

CITY OF RICHFIELD, MINNESOTA

TUESDAY, SEPTEMBER 9, 2014

**RICHFIELD MUNICIPAL CENTER
6700 PORTLAND AVENUE**

SPECIAL CITY COUNCIL WORKSESSION

COUNCIL CHAMBERS

6:30 P.M.

AGENDA

Call to order

1. Discussion related to the Metropolitan Council's current efforts to update the Metropolitan Area Master Water Supply Plan (Council Memo No. 85)

Notes: _____

Adjournment

REGULAR CITY COUNCIL MEETING

COUNCIL CHAMBERS

7:00 P.M.

AGENDA

INTRODUCTORY PROCEEDINGS

Call to order

Open forum (15 minutes maximum)

Each speaker is to keep their comment period to three minutes to allow sufficient time for others. Comments are to be an opportunity to address the Council on items not on the agenda. Individuals who wish to address the Council must have registered prior to the meeting.

Notes: _____

Pledge of Allegiance

Approval of the minutes of the (1) Special City Council Meeting of August 26, 2014 and (2) Regular City Council Meeting of August 26, 2014

PRESENTATIONS

1. Presentation of the 2014 Richfield in Bloom award winners (Council Memo No. 86)
2. Presentation from Fred Babcock VFW Post 5555 (Council Memo No. 88)
3. Presentation regarding Open Streets at Penn Fest (Council Memo No. 87)

COUNCIL DISCUSSION

4. Council discussion
 - Hats Off to Hometown Hits

Notes: _____

AGENDA APPROVAL

5. Council approval of the agenda
6. **Consent Calendar contains several separate items, which are acted upon by the City Council in one motion. Once the Consent Calendar has been approved, the individual items and recommended actions have also been approved. No further Council action on these items is necessary. However, any Council Member may request that an item be removed from the Consent Calendar and placed on the regular agenda for Council discussion and action. All items listed on the Consent Calendar are recommended for approval.**
 - A. Consideration of the approval of the resolutions pertaining to the annual Lyndale/HUB/Nicollet (LHN) maintenance assessment process and scheduling a public hearing for October 14, 2014 S.R. No. 146
 - B. Consideration of the approval of the resolutions pertaining to the annual 77th Street maintenance district assessment process and scheduling a public hearing for October 14, 2014 S.R. No. 147
 - C. Consideration of the approval of the resolution declaring the costs to be assessed for the removal of diseased trees from private property for work ordered in 2013 and scheduling a public hearing for October 14, 2014 S.R. No. 148
 - D. Consideration of the approval of a resolution declaring costs to be assessed and ordering the preparation of the proposed assessment roll for weed elimination from private property and removal or elimination of public health or safety hazards from private property and setting the public hearing for October 14, 2014 S.R. No. 149
 - E. Consideration of the approval of a resolution declaring costs to be assessed and ordering preparation of the proposed assessment roll for unpaid false alarm user fees against private property and setting the public hearing for October 14, 2014 S.R. No. 150
 - F. Consideration of the approval of the purchase of a Fire Pumper Chassis for \$181,681 in 2014 and a Fire Pumper Body for \$244,613 in 2015, totaling \$426,294, from Roesenbauer Firefighting Technology S.R. No. 151
 - G. Consideration of the approval of a 5-year lease agreement with the Minnesota Department of Health for air monitoring equipment located at the Richfield Water Treatment Facility S.R. No. 152

Notes: _____

7. Consideration of item(s), if any, removed from Consent Calendar

Notes: _____

PUBLIC HEARING

8. Public hearing to consider a resolution authorizing the reprogramming of funds for the 2013 and 2014 Urban Hennepin County Community Development Block Grant Program from the Penn Avenue Façade Program to the Penn Avenue Streetscape Improvements

Staff Report No. 153

Notes: _____

PROPOSED ORDINANCE

9. Consideration of the second reading of an ordinance amending Subsection 547.05, Subdivision 4, and Subsection 547.11 related to the consideration of variance applications and a resolution authorizing summary publication of the ordinance

Staff Report No. 154

Notes: _____

RESOLUTION

10. Consideration of a resolution granting a conditional use permit and variances for a 22.6-foot front building setback and a 6-stall parking requirement reduction in order to allow a building addition at 6736 Penn Avenue

Staff Report No. 155

Notes: _____

OTHER BUSINESS

11. Consideration of a process to amend the Zoning Ordinance pertaining to the regulation of odor emissions

Staff Report No. 156

Notes: _____

RESOLUTION

12. Consideration of a resolution granting an appeal of odor control requirements for 6736 Penn Avenue

Staff Report No. 157

Notes: _____

OTHER BUSINESS

13. Consideration of a rental agreement between the City of Richfield and the Minnesota Magicians for the use of the newly constructed Ice Arena locker room

Staff Report No. 158

Notes: _____

RESOLUTIONS

14. Consideration of the 2014 Revised/2015 Proposed Budget resolutions adopting the 2015 preliminary property tax levy, setting the truth in taxation hearing date, authorizing budget revisions, and authorizing revision of the 2014 budget of various departments

Staff Report No. 159

Notes: _____

CITY MANAGER’S REPORT

15. City Manager’s Report

Notes: _____

16. Claims and payrolls

Open forum (additional 15 minutes if more time needed after first Open Forum and by majority vote of the City Council)

Each speaker is to keep their comment period to three minutes to allow sufficient time for others. Comments are to be an opportunity to address the Council on items not on the agenda. Individuals who wish to address the Council must have registered prior to the meeting.

Notes: _____

17. Adjournment

SPECIAL CITY COUNCIL WORKSESSION

COUNCIL CHAMBERS

IMMEDIATELY FOLLOWS REGULAR CITY COUNCIL MEETING

AGENDA

Call to order

1. Discussion regarding the minimal impact alternative for consideration on 66th Street between I-35W and Penn Avenue (Council Memo No. 85)

Notes: _____

Adjournment

Auxiliary aids for individuals with disabilities are available upon request. Requests must be made at least 96 hours in advance to the City Clerk at 612-861-9738.

CITY OF RICHFIELD, MINNESOTA
Office of City Manager

September 4, 2014

Council Memorandum No. 85

The Honorable Mayor
and
Members of the City Council

Subject: September 9, 2014 Special Meetings

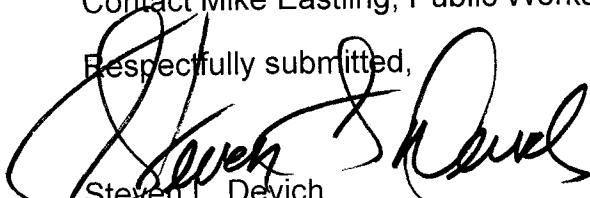
Council Members:

On Tuesday, September 9, 2014 there are multiple special meetings as outlined below.

1. **Special Meeting of the Richfield Bloomington Watershed Management Organization (RBWMO) – 6:00pm**
 - *RBWMO Performance Review* – The special meeting is a requirement of the performance review process the Board of Water and Soil Resources (BWSR) recently conducted for the RBWMO. BWSR staff will present the results of the draft Performance Review.
2. **Special City Council Worksession – 6:30pm**
 - *Water Supply Plan Overview* – Staff will be discussing topics of interest related to the Metropolitan Council's current efforts to update the Metropolitan Area Master Water Supply Plan. Staff members from both the Metropolitan Council and Department of Natural Resources will be in attendance at a September 23, 2014 Council Worksession.
3. **Special City Council Worksession – at the close of the Regular Meeting**
 - *66th Street Joint Transportation Commission Worksession Follow Up* – staff will present information requested by the City Council regarding the Minimal Impact Alternative for consideration on 66th Street between I-35W and Penn Avenue. Including crash analysis and property impacts. In addition, the right-of-way impacts based on the preferred concept east of I-35W will be presented.

Contact Mike Eastling, Public Works Director, at 612-861-9792 with questions.

Respectfully submitted,



Steven L. Devich
City Manager

SLD:kda
Email: Department Directors
Assistant City Manager



CITY COUNCIL MEETING MINUTES

Richfield, Minnesota

Special City Council Meeting Advisory Board/Commission Applicant Interviews

August 26, 2014

CALL TO ORDER

The meeting was called to order by Mayor Goettel at 6:40 p.m. in the Babcock Room.

MEMBERS PRESENT: Debbie Goettel, Mayor; Suzanne Sandahl; Edwina Garcia; Pat Elliott; and Tom Fitzhenry.

INTERVIEW OF APPLICANTS

The City Council conducted an interview of the following applicant for appointment to a City Advisory Board and Commission:

Tenzin Dolkar

ADJOURNMENT

The meeting was adjourned by unanimous consent at 6:47 p.m.

Date Approved: September 9, 2014.

Debbie Goettel
Mayor

Theresa Schyma
Deputy City Clerk

Steven L. Devich
City Manager



CITY COUNCIL MEETING MINUTES

Richfield, Minnesota

Regular Meeting

August 26, 2014

CALL TO ORDER

The meeting was called to order by Mayor Goettel at 7:00 p.m.

Members Present: Debbie Goettel, Mayor; Sue Sandahl; Pat Elliott; Edwina Garcia; and Tom Fitzhenry.

Staff Present: Steven L. Devich, City Manager; John Stark, Community Development Director; Jim Topitzhofer, Recreation Services Director; Mike Eastling, Public Works Director; Jay Henthorne, Acting Public Safety Director; Melissa Poehlman, City Planner; Mary Tietjen, City Attorney; and Theresa Schyma, Deputy City Clerk.

OPEN FORUM

None.

PLEDGE OF ALLEGIANCE

Mayor Goettel led the audience in the Pledge of Allegiance.

APPROVAL OF MINUTES

M/Fitzhenry, S/Garcia to approve the minutes of the (1) Special Concurrent City Council and Planning Commission Worksession of July 22, 2014 and (2) Regular City Council Meeting of July 22, 2014.

Motion carried 5-0.

Item #1	COUNCIL DISCUSSION <ul style="list-style-type: none">• City Council attendance at the National League of Cities Congress of Cities in Austin, TX, November 18-22, 2014• Hats Off to Hometown Hits
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The City Council consensus was to have Mayor Goettel attend the 2014 National League of Cities Congress of Cities.

Public Works Director Eastling discussed the 5-Year Street Reconstruction Plan and the issuance of street reconstruction bonds for 2015-2016 projects. The street reconstruction plan is designed to anticipate street reconstruction expenditures and schedule them over a five-year period so they may be purchase din the most efficient and cost-effective manner. He also announced the public hearing scheduled for September 23.

Council Member Garcia announced the business fair at Richfield High School on September 13.

Council Member Garcia announced Open Streets at PennFest on September 21.

Council Member Sandahl announced the annual Fall Festival at the Church of St. Peter on October 4.

Council Member Sandahl announced the Richfield Foundation Wine, Craft Beer and Cheese Tasting Event on October 9.

Council Member Fitzhenry reported on the success of the Urban Wildland Half Marathon and 5K.

Council Member Elliott commented on the recent "swatting" event that happened recently in Richfield and the amazing response and follow-up with the victims by the Richfield Police Department.

Item #2	COUNCIL APPROVAL OF AGENDA
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Mayor Goettel noted that Item #9 is a public hearing and therefore would be moved to Item #7. The subsequent items were re-numbered accordingly.

M/Sandahl, S/Fitzhenry to approve the agenda as amended.

Motion carried 5-0.

Item #3	CONSENT CALENDAR
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- A. Consideration of the approval of a contract with Alpha Video & Audio, Inc. to install audio/visual upgrades in the Bartholomew and Heredia rooms, of the Richfield Municipal Center, in the amount of \$41,744 S.R. No. 134
- B. Consideration of the approval of a temporary on-sale intoxicating liquor license for the Church of St. Peter, 6730 Nicollet Avenue South, for their annual Fall Festival scheduled to take place on October 4, 2014 S.R. No. 135
- C. Consideration of the approval of a temporary on-sale intoxicating liquor license for the Richfield Foundation for their Wine, Craft Beer and Cheese Tasting event to be held October 09, 2014 S.R. No. 136
- D. Consideration of the approval of setting a public hearing to be held on September 23, 2014, for the consideration of a new on-sale wine license for Last Call Operating Co II., Inc. d/b/a Champps Americana, located at the Ice Arena 636 East 66th Street S.R. No. 137
- E. Consideration of the approval of Minnesota Department of Transportation lease agreement No. 27710 with Amendment #3 for continued use of excess land along I-494 next to Best Buy Campus for continued use as a parking lot and transit station S.R. No. 138
- F. Consideration of the approval of the first reading of an ordinance amending Subsections 547.05, Subdivision 4; and Subsection 547.11 related to the consideration of variance applications S.R. No. 139

M/Goettel, S/Sandahl to approve the Consent Calendar.

Motion carried 5-0.

Item #4	CONSIDERATION OF ITEMS, IF ANY, REMOVED FROM THE CONSENT CALENDAR
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None.

Item #5	PUBLIC HEARING TO CONSIDER THE ISSUANCE OF NEW ON-SALE WINE AND 3.2 PERCENT MALT LIQUOR LICENSES FOR HENRY THOU D/B/A RED PEPPER CHINESE RESTAURANT, 2910 WEST 66TH STREET S.R. NO. 140
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Mayor Goettel presented Staff Report No. 140.

Henry Thou, owner of Red Pepper Chinese Restaurant, 2910 West 66th Street, was available for questions.

M/Fitzhenry, S/Sandahl to close the public hearing.

Motion carried 5-0.

M/Goettel, S/Sandahl to approve the issuance of new on-sale wine and 3.2 percent malt liquor licenses for Henry Thou d/b/a Red Pepper Chinese Restaurant, 2910 West 66th Street.

Motion carried 5-0.

Item #6	PUBLIC HEARING AND CONSIDERATION OF A RESOLUTION REGARDING AN AMENDED CONDITIONAL USE PERMIT AND A VARIANCE TO ALLOW CONSTRUCTION OF A SOCCER FIELD AND ACCESSORY STRUCTURES AT AN EXISTING EDUCATIONAL FACILITY AT 7450 PENN AVENUE S.R. NO. 141
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Council Member Fitzhenry presented Staff Report No. 141.

M/Goettel, S/Fitzhenry to close the public hearing.

Motion carried 5-0.

Council Member Sandahl questioned if there was any concern for the side of the field along Penn Avenue.

Community Development Director Stark responded that the school is amendable to adding netting along the Penn Avenue side if there are any issues.

M/Fitzhenry, S/Goettel that the following resolution be adopted and that it be made part of these minutes:

RESOLUTION NO. 10950

RESOLUTION APPROVING AN AMENDMENT TO THE CONDITIONAL USE PERMIT
AND A VARIANCE TO ALLOW CONSTRUCTION OF A SOCCER FIELD AND
ACCESSORY STRUCTURES AT AN EXISTING EDUCATIONAL FACILITY
AT 7450 PENN AVENUE

Motion carried 5-0. This resolution appears as Resolution No. 10950.

Item #7	PUBLIC HEARING AND CONSIDERATION OF RESOLUTIONS FOR AN AMENDED CONDITIONAL USE PERMIT AND A VARIANCE REGARDING A 22.6-FOOT FRONT BUILDING SETBACK AND REDUCTION IN REQUIRED PARKING, AND AN APPEAL OF A STAFF DETERMINATION THAT AN ODOR CONTROL SYSTEM IS REQUIRED AS A CONDITION OF ADDING CERTAIN COMMERCIAL COOKING EQUIPMENT AT 6736 PENN AVENUE S.R. NO. 144
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Council Member Elliott presented Staff Report No. 144.

Community Development Director Stark stated that the two issues that need to be addressed are parking and odor control. In regards to parking, the proposed addition increases the total occupancy of the building and the applicant is still short six parking spaces. The Planning Commission recommended approval regarding parking since this is a recurring theme on Penn Avenue and to have staff work to modify the City Code to help alleviate this issue.

Community Development Director Stark continued that the odor control issue is being triggered by the new equipment that the applicant wants to install including deep fryers and griddle fryers. He further stated that staff is working within the guidelines set by the City Council and that if there were a change in policy that staff would need to be able to apply and enforce this new direction with all businesses. The applicant has been offered some options but has not been responsive.

City Manager Devich provided some history on the odor control policy. He further stated that until staff is told by the City Council to take a different direction then staff will continue to follow the policy for consistency. He continued that several restaurants have recently been required to install odor control equipment based on this policy. If there were a policy change it should be fair and consistent with regards to other restaurants in the community and the standards that those restaurants have been required to maintain.

Council Member Fitzhenry asked if there have been any current complaints from residents with the business.

Community Development Director Stark responded that, to his knowledge, there have not been any complaints from residents.

Steven Hurvitz, 7001 Morgan Avenue, stated he has never noticed odors from the business and spoke in support of the applicant and the proposed expansion of the business.

Edward Noonan, Noonan Construction, 5400 France Avenue South, discussed the proposed expansion and spoke in support of the business owner and the major investment in Richfield.

Community Development Director Stark stated that the parking issue is related to square footage and not by number of seats.

Community Development Director Stark reiterated that the only thing that triggered the need for odor control equipment is the addition of certain types of cooking equipment like deep fryers and griddle fryers. If the current equipment was staying there would be no need for odor control equipment.

Angie Shaeftbauer, President of the Richfield Chamber of Commerce, 6601 Lyndale Avenue, spoke in support of the business owner and proposed expansion. She further encouraged the City Council to look at the odor control policy again.

M/Goettel, S/Sandahl to close the public hearing.

Motion carried 5-0.

Council Member Elliott stated he has never noticed odors from the business. He continued that some of these issues tonight are recurring themes on Penn Avenue and nothing has been done about them since 1985.

Council Member Elliott stated that the restaurants that were recently required to install odor control equipment were not comparable to Fireside Pizza. He supports a business owner who wants to invest in his business and keep it in Richfield. He believes that the City Council needs to give staff the tools that help businesses invest in their businesses and their community by changing this policy.

Council Member Fitzhenry suggested a grandfather clause since this is an existing business that is not going through a radical change. He believes the business is trying to do the right thing since there have never been any complaints.

Community Development Director Stark stated that the City Council could change the policy to state that pre-existing restaurants are exempted.

Mayor Goettel questioned how the policy could be enforced if there was a requirement to add odor control equipment after the fact if there were complaints.

Council Member Sandahl stated her biggest concern is that she does recall the issues that originally triggered the odor control policy and that the City Council recently required other businesses to install odor control equipment. However, she is open to consider that pre-existing restaurants are exempted.

City Attorney Tietjen stated that if the City Council would like to change the policy that it would be advantageous for the City Council to look at this issue further and come up with findings in case this issue arises again.

Council Member Elliott expressed concern with a delay in approving the applicant's proposed expansion.

M/Garcia, S/Sandahl to table the discussion regarding the applicant's appeal of a staff determination that an odor control system is required as a condition of adding certain commercial cooking equipment at 6736 Penn Avenue to allow the city attorney time to work with staff to address odor control issues and craft a new policy and report back to the Council at the Regular City Council Meeting on September 9.

Council Member Elliott disagrees with the suggestion to table the applicant's request.

Motion carried 3-2. (Elliott and Fitzhenry opposed)

M/Goettel, S/Sandahl that a resolution be adopted granting approval of a conditional use permit and a setback variance for a building addition at 6736 Penn Avenue:

Motion carried 4-0. (Council Member Elliott did not participate in the vote)

M/Goettel, S/Fitzhenry to approve a variance to allow a reduction in required parking at 6736 Penn Avenue.

Council Member Sandahl inquired as to whether or not the applicant has asked other nearby businesses for parking accommodations for his staff.

Community Development Director Stark responded that they have asked the applicant and not received an answer.

Mayor Goettel noted that the applicant had already left the meeting so the Council would not receive an answer tonight.

Motion carried 4-0. (Council Member Elliott did not participate in the vote)

Item #8	CONSIDERATION OF A RESOLUTION RESTRICTING PARKING ON BOTH SIDES OF PORTLAND AVENUE BETWEEN 77TH STREET AND 66TH STREET S.R. NO. 142
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Council Member Garcia presented Staff Report No. 142.

M/Garcia, S/Sandahl that the following resolution be adopted and that it be made part of these minutes:

RESOLUTION NO. 10953

RESOLUTION FOR PARKING RESTRICTIONS ON PORTLAND AVENUE (COUNTY STATE AID HIGHWAY 35) FROM 66TH STREET TO 77TH STREET

Motion carried 4-0. (Council Member Elliott did not participate in the vote) This resolution appears as Resolution No. 10953.

Item #9	CONSIDERATION OF A RESOLUTION GRANTING APPROVAL OF A MAJOR AMENDMENT TO THE FINAL DEVELOPMENT PLAN AND CONDITIONAL USE PERMIT FOR THE LYNDAL STATION PLANNED UNIT DEVELOPMENT AT 6501-6545 LYNDAL AVENUE S.R. NO. 143
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Council Member Sandahl presented Staff Report No. 143.

Community Development Director Stark discussed the proposed changes. He also stated the applicant is open to doing odor mitigation in the trash room.

David Bergstrom, Lyndal Station LLC, stated that Caribou Coffee and MyBurger will be the new businesses at Lyndal Station.

M/Sandahl, S/Fitzhenry that the following resolution be adopted and that it be made part of these minutes:

RESOLUTION NO. 10954

RESOLUTION APPROVING AN AMENDMENT TO THE FINAL DEVELOPMENT PLAN AND CONDITIONAL USE PERMIT FOR A PLANNED UNIT DEVELOPMENT AT 6501-6545 LYNDAL AVENUE (LYNDAL STATION)

Motion carried 4-0. (Council Member Elliott did not participate in the vote) This resolution appears as Resolution No. 10954.

Item #10	CONSIDERATION OF AN APPOINTMENT TO A CITY ADVISORY COMMISSION S.R. NO. 145
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Council Member Sandahl presented Staff Report No. 145.

M/Sandahl, S/Fitzhenry to appoint the following person to a City Advisory Commission as a youth representative:

FRIENDSHIP CITY COMMISSION

Name
Tenzin Dolkar

Term Expires
August 31, 2015

Motion carried 4-0. (Council Member Elliott did not participate in the vote)

Item #11	CITY MANAGER'S REPORT
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City Manager Devich stated he visited the site of the former City garage and mortuary progress is being made with the demolition.

Item #12	CLAIMS AND PAYROLLS
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M/Garcia, S/Sandahl that the following claims and payrolls be approved:

U.S. Bank	08/12/14
A/P Checks: 233165-233670	\$ 1,902,807.80
Payroll: 103239-103617; 42176 - 42177	\$ 611,382.43
TOTAL	\$ 2,514,190.23

U.S. Bank	08/26/14
A/P Checks: 233671-234025	\$ 895,682.41
Payroll: 103618-103989; 42178 - 42181	\$ 581,918.87
TOTAL	\$ 1,477,601.28

Motion carried 4-0. (Council Member Elliott did not participate in the vote)

OPEN FORUM

None.

ADJOURNMENT

The City Council meeting was adjourned by unanimous consent at 8:37 p.m.

Date Approved: September 9, 2014

Debbie Goettel
Mayor

Theresa Schyma
Deputy City Clerk

Steven L. Devich
City Manager

CITY OF RICHFIELD, MINNESOTA
Office of City Manager

September 4, 2014

Council Memorandum No. 86

The Honorable Mayor
And
Members of the City Council

HRA Memorandum No. 33
Housing & Redevelopment
Authority Commissioners
City of Richfield

Subject: 2014 Richfield in Bloom Award Winners
(Agenda Item No. 1)

Council Members and Commissioners:

For 16 years the Community Development Department has encouraged residents to strengthen the sense of pride and community in Richfield by coordinating the Richfield in Bloom Award (formerly known as the Landscape Good Neighbor Award). The Award recognizes residents' efforts to add gardens and landscaping within public view in residents' yards.

This year, thirty-seven households were nominated for the 2014 Richfield in Bloom Award. Five judges, including City staff, a landscape architect, and members of the Garden Club evaluated the properties based on aesthetics, materials, maintenance, and neighborhood impact.

Two community businesses generously offered prizes to the Top 10 nominees and the three winners. The Richfield Bloomington Credit Union (RBCU) provided funds for Menard's gift cards given to each of the Top 10 nominees and larger gift cards to the winners. Wagner's Greenhouse also donated gift cards for the three winners.

The following residents are the top three winners:

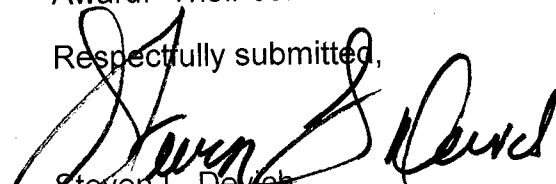
- Robert and Jodi Petersen, 7201 11th Avenue
- Eric Blad and Rick Perry, 2830 70 ½ Street
- Brian and Susan Thoresen, 6844 Morgan Avenue

New this year, Richfield Connect offered the opportunity for residents to vote for a "People's Choice" award. The following garden was chosen as the people's choice (receiving an additional gift card to Menard's, courtesy of RBCU):

- 6844 Morgan Avenue (Brian and Susan Thoresen)

We offer congratulations to each of the nominees and winners of the Richfield in Bloom Award. Their contributions to add beauty to the community is sincerely appreciated.

Respectfully submitted,



Steven L. Devel
City Manager

SLD:ju
Email: Department Directors
Assistant City Manager

CITY OF RICHFIELD, MINNESOTA
Office of City Manager

September 4, 2014

Council Memorandum No. 88

The Honorable Mayor
and
Members of the City Council

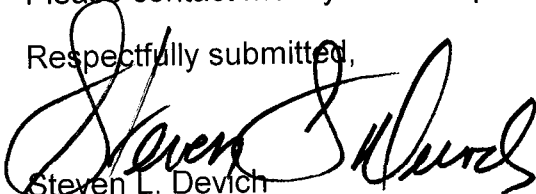
Subject: Council Presentation from Fred Babcock VFW Post 5555 on September 9, 2014 (Agenda Item No. 3)

Council Members:

Len Gudmunson, former Commander of the Fred Babcock VFW Post 5555, will present a brief overview of the VFW's programs at the Council meeting on September 9, 2014. Mr. Gudmunson will highlight several scholarship programs and other programs that benefit Richfield's community.

Please contact me if you have questions.

Respectfully submitted,



Steven L. Devich
City Manager

SLD:jt

Email: Department Directors
Assistant City Manager

CITY OF RICHFIELD, MINNESOTA
Office of City Manager

September 4, 2014

Council Memorandum No. 87

The Honorable Mayor
and
Members of the City Council

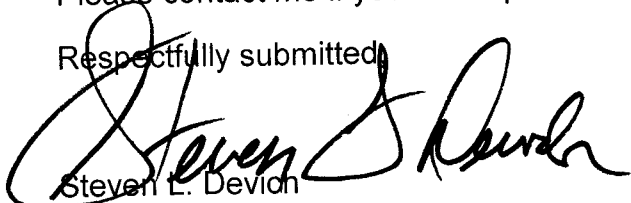
Subject: Council Presentation about Open Streets at Penn Fest on September 9,
2014 (Agenda Item No. 2)

Council Members:

Tom Rublein and Jim Topitzhofer will present a brief overview of the upcoming Open Streets at PennFest at the Council meeting on September 9, 2014. The event is scheduled on Sunday, September 21, 2014 from noon to 4:00 p.m. The presentation will include event highlights and a summary of changes the planning group has made to improve the event.

Please contact me if you have questions.

Respectfully submitted,



Steven L. Devich
City Manager

SLD:jt

Email: Department Directors
Assistant City Manager



STAFF REPORT
CITY COUNCIL MEETING
SEPTEMBER 9, 2014

REPORT PREPARED BY:	CHRIS LINK, OPERATIONS SUPERINTENDENT <small>NAME, TITLE</small>
DEPARTMENT DIRECTOR REVIEW:	<input checked="" type="checkbox"/> <i>MJE</i> <small>SIGNATURE</small>
OTHER DEPARTMENT REVIEW:	<input checked="" type="checkbox"/> NA <small>SIGNATURE</small>
REVIEWED BY CITY MANAGER:	<input checked="" type="checkbox"/> <i>Steven J. David</i> <small>SIGNATURE</small>

ITEM FOR COUNCIL CONSIDERATION:
Consideration of the attached resolutions pertaining to the annual Lyndale/HUB/Nicollet (LHN) maintenance assessment process.

- I. RECOMMENDED ACTION:**
By Motion:
- 1. Adopt the attached resolution declaring costs to be assessed and ordering preparation of the proposed assessment roll for 2013 Lyndale/HUB/Nicollet (LHN) Maintenance and schedule a public hearing for October 14, 2014.**
 - 2. Adopt the attached resolution proposing a similar assessment process to be implemented for 2014 and schedule a public hearing for October 14, 2014.**

II. EXECUTIVE SUMMARY

The Lyndale/HUB/Nicollet (LHN) maintenance assessment was established to recover extraordinary maintenance expenses in the LHN area in 1981. The extraordinary services include irrigation, weeding and mowing of landscaped areas. The LHN Redevelopment Area is approximately bounded by 64th Street, First Avenue, 67th Street and Emerson Avenue.

Staff is recommending the City Council:

1. Approve resolution declaring the 2013 assessment costs and order the preparation of the proposed assessment for 2013.
2. Schedule public hearing for October 14, 2014 for proposed assessments.
3. Approve resolution proposing a similar assessment process for 2015.
4. Schedule public hearing for October 14, 2014 for similar assessment process.

At the July 8th Special City Council Worksession it was discussed of the possible elimination of the LHN Maintenance District in 2016. Possible elimination of the Maintenance District will be considered for the following reasons:

- 66th Street Reconstruction in 2016
- Elimination of "original" landscape items from the district
- New rules for establishing Maintenance Districts

Possible elimination of this Maintenance District will be discussed further at a later date.

III. BASIS OF RECOMMENDATION

A. BACKGROUND

- City staff has determined actual costs of current services to be assessed for the 2013 maintenance of this area to be \$25,522.16, and the estimated cost for 2014 maintenance to be \$50,000.
- Fluctuations in expenditures for maintenance of LHN are caused by a number of factors. Weather determines water usage and irrigation costs; street light knockdowns are never foreseeable and very expensive; and the need to paint streetlights and repair concrete varies from year to year.

B. POLICY

- Section 825 of the City Code indicates "current services" mean one or more of the following:
 - (a) snow, ice, or rubbish removal from sidewalks;
 - (b) weed elimination from streets or private property;
 - (c) removal or elimination of public health or safety hazards from private property, excluding any structure included under the provisions of Minnesota Statutes, sections 463.15 to 463.26;
 - (d) installation or repair of water service lines;
 - (e) street sprinkling, sweeping, or other dust treatment of streets;
 - (f) the trimming and care of trees and the removal of unsound trees from any street;
 - (g) the treatment and removal of insect-infested or diseased trees on private property;
 - (h) the repair of sidewalks and alleys;
 - (i) the operation of a street lighting system;
 - (j) the maintenance of landscaped areas, decorative parks and other public amenities on or adjacent to street right-of-way; and
 - (k) snow removal and other maintenance of streets in commercial redevelopment areas.
- Council ordered the work, and the work is done for 2013.
- Council needs to order the work for 2015.

C. CRITICAL TIMING ISSUES

- On or before September 1 of each year, the City shall list the total unpaid charges for current services against each separate lot or parcel to which they are attributable under section 825 of the City Code.

D. FINANCIAL

- Estimated and actual costs for the LHN maintenance services from 2002-2013 are:

<u>Year</u>	<u>Estimated</u>	<u>Actual</u>
2002	\$50,000	\$35,136.62
2003	\$50,000	\$37,785.67
2004	\$50,000	\$44,031.39
2005	\$50,000	\$45,385.31
2006	\$50,000	\$45,648.56
2007	\$50,000	\$51,605.29
2008	\$50,000	\$49,999.99
2009	\$50,000	\$49,747.02
2010	\$50,000	\$32,459.40
2011	\$50,000	\$39,090.87
2012	\$50,000	\$32,244.51
2013	\$50,000	\$25,522.16

E. LEGAL

- Section 825, Subd. 2 states that "the City Clerk, under the Council's direction, shall publish notice that the Council will meet to consider the undertaking of current services and levying of special assessments to pay costs thereof."

F. ENVIRONMENTAL CONSIDERATIONS

- There are no environmental considerations at this time.

IV. ALTERNATIVE RECOMMENDATION(S)

- Council may make any changes to the assessment roll as deemed necessary after the public hearing.

V. ATTACHMENTS

- Resolution declaring costs to be assessed and ordering preparation of the proposed assessment roll for 2011 LHN Maintenance.
- Resolution proposing to specially assess the costs of current services for 2015.
- Graphic

VI. PRINCIPAL PARTIES EXPECTED AT MEETING

- None

RESOLUTION NO.

**RESOLUTION DECLARING COST TO BE ASSESSED
AND ORDERING PREPARATION OF PROPOSED ASSESSMENT
FOR LYNDAL/HUB/NICOLLET (LHN) MAINTENANCE
FOR THE PERIOD JANUARY 1, 2013 THROUGH DECEMBER 31, 2013**

WHEREAS, costs have been determined for the maintenance of the Lyndale/Hub/Nicollet (LHN) Redevelopment Area which is approximately bounded by 64th Street, First Avenue, 67th Street and Emerson Avenue in the City of Richfield and the expenses incurred or to be incurred for such maintenance amount to \$25,522.16 for the period of January 1, 2013 through December 31, 2013.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Richfield, Minnesota:

1. The portion of the cost to be assessed against benefited property owners is declared to be \$25,522.16.
2. The City Clerk shall forthwith calculate the proper amount to be specially assessed for such maintenance against every assessable lot, piece or parcel of land within the district affected, without regard to cash valuation, as provided by law, and shall file a copy of such proposed assessment in his office for public inspection.
3. The City Clerk shall, upon the completion of such proposed assessment, notify the City Council thereof.
4. A hearing shall be held on the 14th day of October, 2014, in the Council Chambers of the City Hall at 7:00 p.m. or as soon thereafter as the matter can be reached on the agenda to pass upon such proposed assessment and at such time and place all persons owning property affected by said maintenance assessment will be given an opportunity to be heard in reference to such assessment.
5. The City Clerk is hereby directed to cause a notice of the hearing on the proposed assessment to be published once in the official newspaper at least two weeks prior to the hearing, and he shall state in the notice the total cost of the maintenance. The City Clerk shall also cause mailed notice to be given to the owner of each parcel described in the assessment roll not less than two weeks prior to the hearing

Adopted by the City Council of the City of Richfield, Minnesota this 9th day of September, 2014.

Debbie Goettel, Mayor

ATTEST:

Nancy Gibbs, City Clerk

RESOLUTION NO.

RESOLUTION PROPOSING TO SPECIALLY ASSESS FOR THE COSTS OF CURRENT SERVICES PROVIDED WITHIN THE LYNDALÉ/HUB/NICOLLET (LHN) PROJECT AREA FOR THE PERIOD JANUARY 1, 2015 THROUGH DECEMBER 31, 2015

BE IT RESOLVED by the City Council of the City of Richfield, Minnesota as follows:

1. There is hereby established a special assessment district, the boundaries of which are conterminous with the Lyndale/Hub/Nicollet (LHN) Redevelopment Project Area, for the purposes of assessing for current services provided by the City.
2. The following current services of the City are hereby proposed to be undertaken by the City in the district, with the costs of such services to be specially assessed against benefited property within the district:
 - Snow, ice or rubbish removal;
 - Weed elimination;
 - Elimination or removal of public health or safety hazards from private property, excluding any structure included under the provisions of Minnesota Statutes Section 463.15 to 463.26;
 - Installation or repair of water service lines;
 - Street sprinkling or other dust treatment of streets;
 - Trimming and care of trees and the removal of unsound trees;
 - Repair of sidewalks, crosswalks, and other pedestrian walkways;
 - Operation of the street lighting system;
 - Maintenance of landscaped areas and other public amenities on or adjacent to street right-of-way;
 - Maintenance of Civic Plaza;
 - Snow removal and other maintenance of streets;
 - Painting and repair of wood furniture;
 - General maintenance, including repairs and replacement.
3. The area proposed to be specially assessed for such current services consists of every assessable lot and parcel of land within the district. It is proposed that special assessments on commercial property be made on the basis of the area with each square foot of assessable commercial property within the district being assessed an equal amount for maintenance of common area. Exempt from the special assessment levy shall be all single family, two-family, multiple family residential property within the LHN redevelopment district. Special maintenance of individual commercial properties shall be assessed directly for costs incurred in performing said maintenance to said property.
4. The City Clerk is authorized and directed to give public notice of a hearing by this Council at which the Council will consider the undertaking of such current services and the levying of special assessments to bear the costs thereof. The City Clerk shall also give mailed and published notice of such hearing as required by law. Such hearing shall be held on Tuesday, October 14th, 2014, commencing at 7:00 p.m. or as soon thereafter as the matter can be reached on the agenda.
5. It is hereby proposed that the project consist of the costs of the aforementioned services for the period of January 1, 2015 through December 31, 2015. The estimated cost of providing all the aforementioned current services during that period is \$50,000.

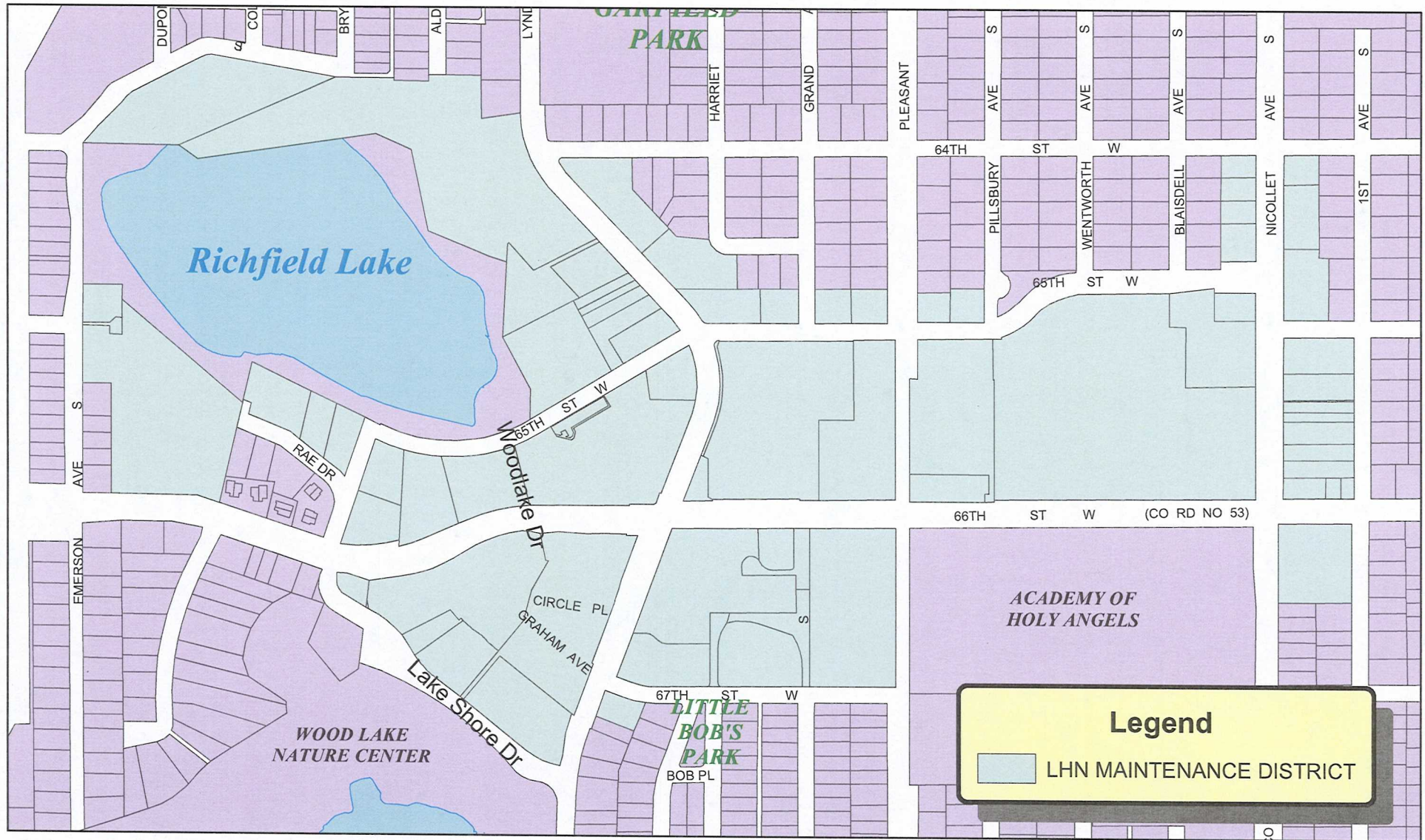
Adopted by the City Council of the City of Richfield, Minnesota this 9th of September, 2014.

Debbie Goettel, Mayor

ATTEST:

Nancy Gibbs, City Clerk

LHN MAINTENANCE DISTRICT

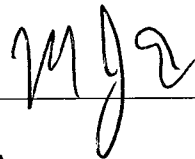
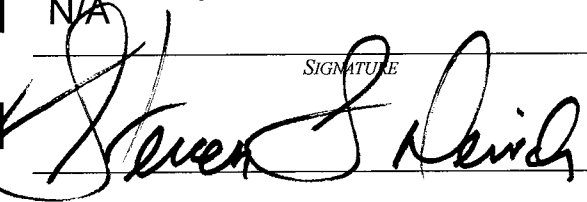


0 212.5 425 850 1,275 1,700 Feet





STAFF REPORT
CITY COUNCIL MEETING
SEPTEMBER 9, 2014

REPORT PREPARED BY:	CHRIS LINK, OPERATIONS SUPERINTENDENT <small>NAME, TITLE</small>
DEPARTMENT DIRECTOR REVIEW:	<input checked="" type="checkbox"/>  <small>SIGNATURE</small>
OTHER DEPARTMENT REVIEW:	<input checked="" type="checkbox"/> N/A <small>SIGNATURE</small>
REVIEWED BY CITY MANAGER:	<input checked="" type="checkbox"/>  <small>SIGNATURE</small>

ITEM FOR COUNCIL CONSIDERATION:

Consideration of the attached resolutions pertaining to the annual 77th Street maintenance district assessment process.

I. RECOMMENDED ACTION:

By Motion:

- 1. Adopt the attached resolution proposing to assess commercial properties in the 77th Street assessment district for costs incurred to maintain the area for 2013 and schedule a public hearing for October 14, 2014.**
- 2. Adopt the attached resolution proposing a similar assessment process to be implemented for 2015 and schedule a public hearing for October 14, 2014.**

II. EXECUTIVE SUMMARY

Since the 1988, the City has been performing special, high-quality maintenance along the 77th Street redevelopment area between I-35W and Cedar Avenue. The special maintenance services include irrigation, weeding and mowing of the landscaping on both sides of the 77th Street wall. The maintenance functions, known as current services, are funded through the maintenance assessment on the 77th Street businesses.

Staff is recommending the City Council:

1. Approve resolution declaring the 2013 assessment costs and order the preparation of the proposed assessment for 2013.
2. Schedule public hearing for October 14, 2014 for proposed assessments.
3. Approve resolution proposing a similar assessment process for 2015.
4. Schedule public hearing for October 14, 2014 for similar assessment process

III. BASIS OF RECOMMENDATION

A. BACKGROUND

- City staff has determined actual costs of current services to be assessed for the 2013 maintenance of this area to be \$59,779.82, and estimate the cost for 2015 maintenance to be \$80,000.
- Fluctuations in expenditures for maintenance of the 77th Street Redevelopment area are caused by a number of factors:
 - Weather determines water usage and irrigation costs
 - Street light knockdowns are not foreseeable and very expensive
 - The need to paint streetlights
 - Concrete repair varies from year to year.

B. POLICY

- Section 825 of the City Code indicates "current services" mean one or more of the following:
 - (a) snow, ice, or rubbish removal from sidewalks;
 - (b) weed elimination from streets or private property;
 - (c) removal or elimination of public health or safety hazards from private property, excluding any structure included under the provisions of Minnesota Statutes, sections 463.15 to 463.26;
 - (d) installation or repair of water service lines;
 - (e) street sprinkling, sweeping, or other dust treatment of streets;
 - (f) the trimming and care of trees and the removal of unsound trees from any street;
 - (g) the treatment and removal of insect-infested or diseased trees on private property;
 - (h) the repair of sidewalks and alleys;
 - (i) the operation of a street lighting system;
 - (j) the maintenance of landscaped areas, decorative parks and other public amenities on or adjacent to street right-of-way; and
 - (k) snow removal and other maintenance of streets in commercial redevelopment areas.
- Council ordered the work, and the work is done.
- Resolution No. 7405, adopted in 1988, established a policy for assessing the costs.
- Commercial property owners will be assessed on a per-square-foot basis. However, all single family and multi-family residential properties, plus the two churches in the area, would be exempt from the special assessment levy.

C. CRITICAL TIMING ISSUES

- On or before September 1 of each year, the City shall list the total unpaid charges for current services against each separate lot or parcel to which they are attributable under section 825 of the City Code.

D. FINANCIAL

- Estimated and actual costs for the 77th Street maintenance services from 2002 - 2013 are:

<u>Year</u>	<u>Estimate</u>	<u>Actual</u>
2002	\$80,000	\$75,490.39
2003	\$80,000	\$59,831.07
2004	\$80,000	\$63,842.79
2005	\$80,000	\$64,841.54
2006	\$80,000	\$69,606.52
2007	\$80,000	\$77,441.46
2008	\$80,000	\$77,000.01
2009	\$80,000	\$62,894.55
2010	\$80,000	\$64,124.81
2011	\$80,000	\$72,427.48
2012	\$80,000	\$78,286.46
2013	\$80,000	\$59,779.82

E. LEGAL

- No legal issues are apparent at this time. The City Attorney will be in attendance at the Council meeting should a legal question arise.
- Section 825, Subd. 2 states that "the City Clerk, under the Council's direction, shall publish notice that the Council will meet to consider the undertaking of current services and levying of special assessments to pay costs thereof."

F. ENVIRONMENTAL CONSIDERATIONS

- There are no environmental considerations at this time.

IV. ALTERNATIVE RECOMMENDATION(S)

- Council may make any changes to the assessment roll as deemed necessary after the public hearing.

V. ATTACHMENTS

- Resolution declaring costs to be assessed and ordering preparation of the proposed assessment roll for 2012 - 77th Street Maintenance.
- Resolution proposing to specially assess for current services for 2015.
- Graphic

VI. PRINCIPAL PARTIES EXPECTED AT MEETING

- None

RESOLUTION NO.

**RESOLUTION DECLARING COST TO BE ASSESSED
AND ORDERING PREPARATION OF PROPOSED ASSESSMENT
FOR 77TH STREET MAINTENANCE
FOR THE PERIOD JANUARY 1, 2013 THROUGH DECEMBER 31, 2013**

WHEREAS, costs have been determined for the maintenance of the 77th Street Redevelopment Area the boundaries of which are approximately east of I-35W and west of Cedar Avenue in the City of Richfield and the expenses incurred or to be incurred for such maintenance amount to \$78,286.46 for the period of January 1, 2013 through December 31, 2013.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Richfield, Minnesota:

1. The portion of the cost to be assessed against benefited property owners is declared to be \$59,779.82.
2. The City Clerk shall forthwith calculate the proper amount to be specially assessed for such maintenance against every assessable lot, piece or parcel of land within the district affected, without regard to cash valuation, as provided by law, and shall file a copy of such proposed assessment in his office for public inspection.
3. The City Clerk shall, upon the completion of such proposed assessment, notify the City Council thereof.
4. A hearing shall be held on the 14th day of October, 2014, in the Council Chambers of the City Hall at 7:00 p.m. or as soon thereafter as the matter can be reached on the agenda to pass upon such proposed assessment and at such time and place all persons owning property affected by said maintenance assessment will be given an opportunity to be heard in reference to such assessment.
5. The City Clerk is hereby directed to cause a notice of the hearing on the proposed assessment to be published once in the official newspaper at least two weeks prior to the hearing, and shall state in the notice the total cost of the maintenance. The City Clerk shall also cause mailed notice to be given to the owner of each parcel described in the assessment roll not less than two weeks prior to the hearing.

Adopted by the City Council of the City of Richfield, Minnesota this 9th day of September, 2014.

Debbie Goettel, Mayor

ATTEST:

Nancy Gibbs, City Clerk

RESOLUTION NO.

RESOLUTION PROPOSING TO SPECIALLY ASSESS FOR THE COSTS OF CURRENT SERVICES PROVIDED WITHIN THE 77TH STREET PROJECT AREA FOR THE PERIOD JANUARY 1, 2015 THROUGH DECEMBER 31, 2015

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Richfield, Minnesota as follows:

1. There is hereby established a special assessment district, the boundaries of which are east of I-35W and west of Cedar Avenue, for the purposes of assessing for current services provided by the City.
2. The following current services of the City are hereby proposed to be undertaken by the City in the District with the cost of such services to be specially assessed against benefited property within the District;
 - The trimming and care of trees and shrubs and the removal of any unsound trees from any street;
 - The repair of sidewalks;
 - The maintenance of landscaped areas and other public amenities on or adjacent to street rights-of-way;
 - Trash and litter removal.
3. The area proposed to be specially assessed for such current services consists of each and every commercial lot and parcel of land within the District. It is proposed that the special assessments on the commercial property be made on the basis of area.
4. The City Clerk is hereby authorized and directed to publish notice of a hearing by this Council at which the Council will consider the undertaking of such current services and the levying of special assessments to bear the costs thereof. Such notice shall be published in the official newspaper at least once, at least two weeks prior to the date of hearing. The City Clerk shall also give mailed notice of such hearing as required by law. Such hearing shall be held Tuesday, October 14, 2014, commencing at 7:00 p.m. or as soon thereafter as the matter can be reached on the agenda.
5. It is hereby proposed that the project consist of the aforementioned services for the period from January 1, 2015 through December 31, 2015. The estimated cost of providing all of the aforementioned services during that period is \$80,000.

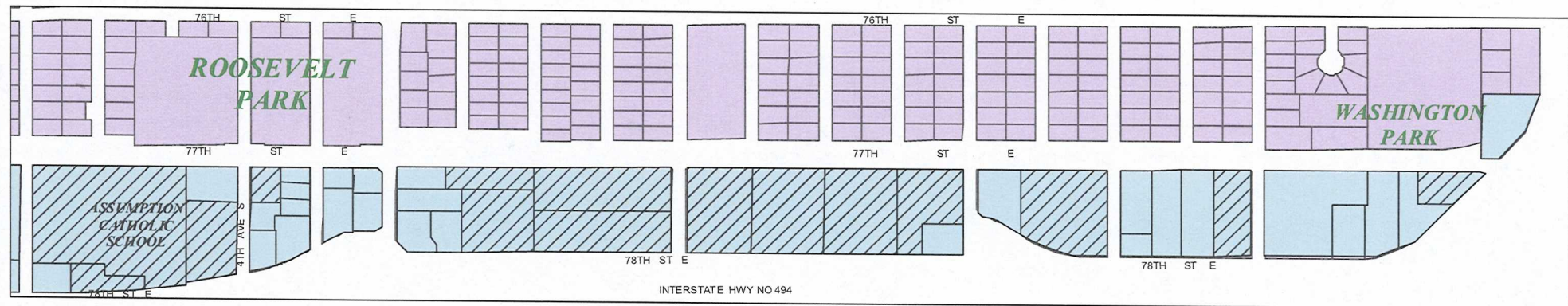
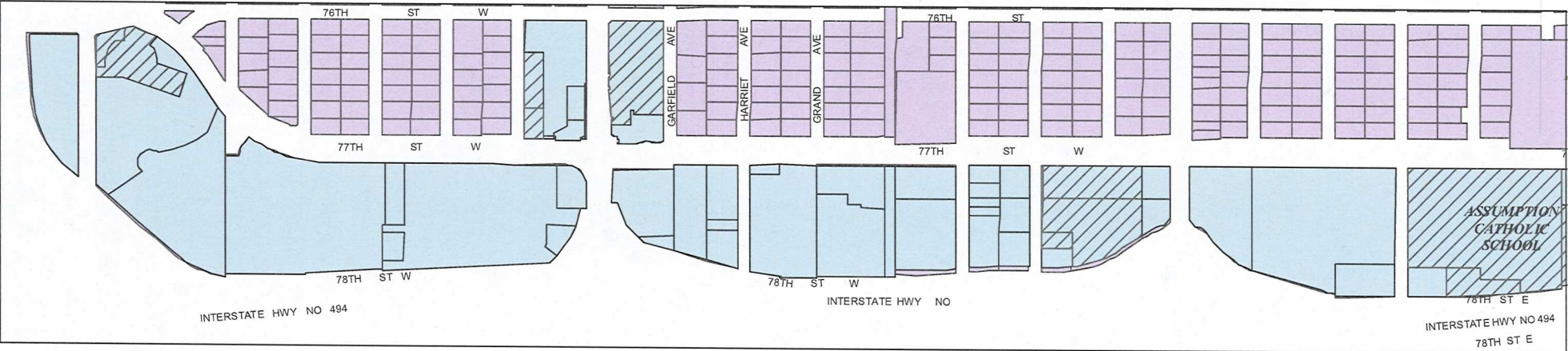
Passed by the City Council of the City of Richfield, Minnesota this 9th day of September, 2014.

Debbie Goettel, Mayor

ATTEST:

Nancy Gibbs, City Clerk

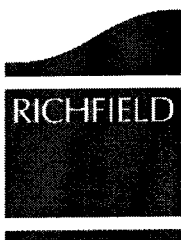
ILN (77TH STREET) MAINTENANCE DISTRICT




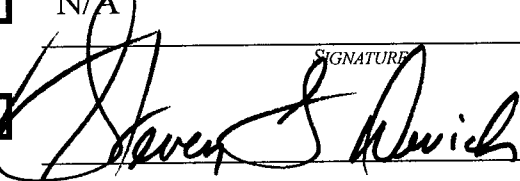
ILN Maintenance District
Assessed

	NO
	YES





STAFF REPORT
CITY COUNCIL MEETING
SEPTEMBER 9, 2014

REPORT PREPARED BY:	CHRIS LINK, OPERATIONS SUPERINTENDENT <small>NAME, TITLE</small>
DEPARTMENT DIRECTOR REVIEW:	<input checked="" type="checkbox"/>  <small>SIGNATURE</small>
OTHER DEPARTMENT REVIEW:	<input checked="" type="checkbox"/> N/A <small>SIGNATURE</small>
REVIEWED BY CITY MANAGER:	<input checked="" type="checkbox"/>  <small>SIGNATURE</small>

ITEM FOR COUNCIL CONSIDERATION:
Consideration of the attached resolution declaring costs to be assessed for removal of diseased trees from private property for work ordered in 2013.

- I. RECOMMENDED ACTION:**
By Motion:
- 1. Adopt the attached resolution declaring costs to be assessed and ordering the preparation for the proposed assessment roll for the removal of diseased trees from private property for work ordered in 2013.**
 - 2. Set the public hearing date for October 14, 2014.**

II. EXECUTIVE SUMMARY

According to Section 910 of the City Code, it has been determined that the health of trees within municipal limits is threatened by shade tree diseases, and it is the City's responsibility to control and prevent the spread of these diseases.

If the City has deemed it necessary to remove a diseased tree, the property owners have four options available for private tree removal:

1. Remove the tree themselves.
2. Hire and pay for their own contractor.
3. Hire the City's contractor and pay for the removal.

4. Request the cost of the tree removal be assessed against their property tax.

In the period from January 1, 2013 through December 31, 2013, nineteen (19) property owners chose the fourth option. The total amount to be assessed is \$43,772.34. The properties to be assessed and the amounts to be assessed are identified in the attached resolution.

III. BASIS OF RECOMMENDATION

A. BACKGROUND

- In the early 1970's, the City of Richfield began a shade tree disease program to assist homeowners in the removal of diseased trees on private property. The following process is how the City ensures property owners are aware of their diseased tree(s).
- **Notification to Property Owners**
The following procedures were used to notify the property owners listed on the assessment roll.

At time of marking for removal, paperwork is left at the property which includes:

- Removal deadline
- Why the tree was marked for removal
- Assessment Information
- Information regarding private contractors
- Card informing City of owners removal plans
- City Staff contacts for more information

If the tree becomes hazardous or is past the removal time limit an additional deadline letter is sent to the property owner.

The letter is sent to the last known owner, obtained from Hennepin County Property Records and verified with Richfield Utility Billing records.

Occupied Properties

As stated above, property owners of diseased trees have four options available for private tree removal:

1. Remove the tree themselves.
2. Hire and pay their own contractor.
3. Hire the City's contractor and pay for the removal.
4. Request the cost of the tree removal be assessed against their property tax.

Vacant Properties

In cases where the property is vacant and no owner can be found, removals must be ordered when trees have passed the removal time limit or become hazardous.

B. POLICY

- The work has been completed with prior approval from the affected residents.
- Minnesota State Statute requires the County to be notified of all special assessments.
- A notice of the hearing on the proposed assessment (see attached) will be mailed at least two weeks prior to the hearing and shall state in the notice the total cost of the diseased tree removal to the owner.

C. CRITICAL TIMING ISSUES

- The unpaid charges for the removal of the diseased trees must be special assessed for certification to the county director of property taxation and collection along with current taxes as stated in City Code 825.05 Subd. 3.

D. FINANCIAL

- The costs to be assessed for the removal of diseased trees on private property for work ordered during the period January 1, 2013, through December 31, 2013, have been determined to be \$43,772.34.
- The property owner may pay the original principal amount without interest within 30 days from the date the Council adopts the assessment. The unpaid balance will be spread over five years with a five percent interest rate.
- The original source of funding to have the work done is through the City's Permanent Improvement Revolving Fund.

E. LEGAL

- The notice of assessment hearing to be mailed to the residents has been reviewed by the City Attorney and Finance Manager.
- The City Attorney will be in attendance at the Council meeting should a legal question arise.

F. ENVIRONMENTAL CONSIDERATIONS

- The intent of this program is to remove diseased trees in a timely manner in an attempt to prevent the spread of tree diseases.

IV. ALTERNATIVE RECOMMENDATION(S)

- Council may revise the special assessment roll as deemed necessary following the public hearing.

V. ATTACHMENTS

- Resolution
- Notice of Assessment Hearing to be mailed to residents

VI. PRINCIPAL PARTIES EXPECTED AT MEETING

- Residents on assessment roll

RESOLUTION NO.

**RESOLUTION DECLARING COSTS TO BE ASSESSED AND
ORDERING PREPARATION OF PROPOSED ASSESSMENT FOR
REMOVAL OF DISEASED TREES FROM PRIVATE PROPERTY
FOR THE PERIOD OF JANUARY 1, 2013 TO DECEMBER 31, 2013.**

WHEREAS, costs have been determined for the removal of diseased trees from private properties in the City of Richfield and the expenses incurred or to be incurred for such work ordered during the period of January 1, 2013 through December 31, 2013 amount to \$43,772.34.

Address	PID	Amount
7236 1st Ave	34-028-24-13-0062	\$2,458.13
6339 4th Ave	27-028-24-11-0058	\$3,206.25
7415 12th Ave S	35-028-24-42-0056	\$2,137.50
7421 12th Ave S	35-028-24-42-0055	\$3,366.56
7426 13th Ave S	35-028-24-42-0047	\$726.75
6711 14th Ave S	26-028-24-42-0110	\$1,763.44
1520 W 66th St	28-028-24-24-0141	\$2,618.44
6633 Bloomington Ave	26-028-24-41-0060	\$2,300.00
7011 Columbus Ave S	35-028-24-22-0087	\$1,763.44
6525 Humbolt Ave S	28-028-24-13-0046	\$659.95
6618 Humbolt Ave S	28-028-24-31-0082	\$2,885.63
6833 Irving Ave S	28-028-24-34-0104	\$1,650.00
7221 Newton Ave	33-028-24-23-0043	\$3,847.50
6504 Oliver Ave S	28-028-24-23-0081	\$3,687.19
6715 Portland Ave S	26-028-24-32-0089	\$1,870.31
6600 Stevens Ave S	27-028-24-42-0070	\$1,350.00
7209 Upton Ave S	32-028-24-13-0017	\$2,351.25
6612 Vincent Ave S	29-028-24-42-0045	\$3,473.44
7215 Vincent Ave S	32-028-24-13-0031	\$1,656.56
		\$43,772.34

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Richfield, Minnesota:

1. The total cost to be assessed against benefited property owners is declared to be \$43,772.34.
2. The City Clerk shall forthwith calculate the proper amount to be specially assessed for such work against each benefited property, and shall file a copy of such proposed assessment in her office for public inspection.
3. The Clerk shall, upon the completion of such proposed assessment, notify the City Council thereof.

4. A hearing shall be held on the 14th day of October, 2014 in the Richfield Municipal Center - Council Chambers at 7:00 p.m., or as soon as hereafter it may be reached on the agenda, to pass upon such proposed assessment and at such time and place all persons owning property affected by said diseased tree removal assessment will be given an opportunity to be heard in reference to such assessment.
5. The City Clerk is hereby directed to cause a notice of the hearing on the proposed assessment at least two weeks prior to the hearing and shall state in the notice the total cost of the diseased tree removal. The City Clerk shall also cause mailed notice to be given to the owner of each parcel described in the assessment roll not less than two weeks prior to the hearing.

Adopted by the City Council of the City of Richfield this 9th day of September, 2014.

Debbie Goettel, Mayor

ATTEST:

Nancy Gibbs, City Clerk

September 23, 2014

NAME
STREET ADDRESS
Richfield, MN 55423

PID:
Property Address:

I. NOTICE OF ASSESSMENT HEARING

NOTICE OF HEARING ON PROPOSED ASSESSMENT FOR CERTAIN SERVICES OF THE CITY FOR REMOVAL OF DISEASED TREES ON PRIVATE PROPERTY (JANUARY 1, 2013- DECEMBER 31, 2013)

NOTICE IS HEREBY GIVEN that the Richfield City Council will hold an assessment hearing on the date and at the time and place given below, to pass upon the proposed assessment for the removal and disposal of diseased trees on private property.

DATE, TIME AND PLACE OF HEARING: Tuesday, October 14th at 7:00 p.m. or as soon thereafter as the matter can be reached on the agenda, at Richfield Municipal Center, 6700 Portland Avenue South, Richfield, Minnesota 55423.

NATURE OF IMPROVEMENT AND AREA TO BE ASSESSED: Costs incurred for removal of diseased trees from private property with the consent and approval of the property owners for work ordered from the City of Richfield, January 1, 2013 through December 31, 2013. The City proposes to assess the costs for this work, which totaled \$ 43,772.34.

THE SPECIAL ASSESSMENT TO YOUR PROPERTY IS: \$ AMOUNT.

THIS IS THE ONLY NOTICE YOU WILL RECEIVE OF THIS ASSESSMENT. NO SEPARATE BILLING WILL OCCUR. PLEASE DO NOT MAIL PAYMENT BEFORE THE ASSESSMENT HEARING ON TUESDAY, OCTOBER 14TH, 2014.

A copy of the proposed assessment roll is on file for public inspection at the City Clerk's office, 6700 Portland Avenue South, Richfield, Minnesota.

PAYMENT OF ASSESSMENT: You may pay your assessment at any time after the assessment has been adopted by presenting a check to the City Treasurer at the Assessor's office, 6700 Portland Avenue South, Richfield, Minnesota 55423. Unpaid assessments accrue interest at the rate of five percent (5%) per year. The amount of interest payable depends upon when your payment is made, and the following deadlines apply:

Payment within 30 days of adopted assessment: The property owner may pay the original principal amount without interest within 30 days from the date the Council adopts the assessment, scheduled for Tuesday, October 14th, 2014. If the original principal amount is not paid, the assessment will be charged five percent (5%) interest.

Payment on or after 10/14/2013: Payments received on or after 10/14/2014 but before 11/14/2014 will be charged interest at the rate of 5% through the date of payment. Payments are not accepted between November 15, 2014 and January 1, 2015. After January 1, 2015 payments can be made on the outstanding balance not certified to the current year taxes anytime with

interest through December 31 of the year in which payment is made. If no prepayment is made, the tree assessments are spread over five years. Interest will be charged at the rate of five percent (5%) annually. Interest is calculated for 16 months on the first year of the assessment and 12 months thereafter. There is a \$2.50 surcharge per year over the five year life of the assessment when certified to the property tax. Questions regarding the assessment payment procedure should be directed to Debbie Guiher at 612-861-9710.

DEFERRED ASSESSMENTS: Under Minnesota Stat. Secs. 435.193 to 435.195, the Council may, in its discretion, defer the payment of this special assessment for any homestead property owned by a person who meets certain age or disability restrictions and for whom it would be a hardship to make the payments. The policy and procedure for deferment is set forth in City Resolution No. 9531, which may be obtained from the City Clerk. When deferment of the special assessment has been granted and is terminated for any reason provided in law, all amounts accumulated plus applicable interest become due. Any assessed property owner meeting the requirements of the law and the resolution may, within 30 days of the confirmation of the assessment, apply to the City Clerk for the prescribed form for deferral of this special assessment.

HEARING PROCEDURE AND OBJECTIONS: The City Council will conduct a public hearing on the proposed assessment on the date and time listed. Written and oral objections will be considered at the meeting, but the Council may consider any objection to the amount of a proposed individual assessment at an adjourned meeting upon further notice to the affected property owners as the Council deems advisable. The Council may adopt the proposed assessment at the same meeting as the hearing.


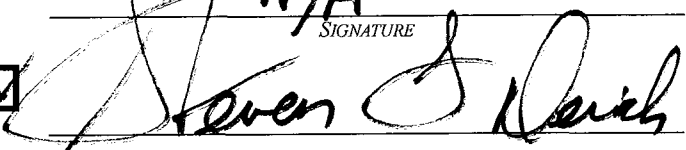
RIGHT TO APPEAL: You have the right to appeal the City Council's adoption of the assessment. To appeal, you must serve notice of an appeal upon the Mayor or City Clerk within 30 days after the adoption of the assessment, and you must also file the notice of appeal with the Hennepin County District Court within ten days after service upon the Mayor or City Clerk. You may not appeal unless you file a written objection, signed by you, with the City Clerk prior to the hearing on October 14, 2014 or present the written objection to the presiding officer at the hearing on October 14, 2014.

BY ORDER OF THE CITY COUNCIL THIS 23RD DAY OF SEPTEMBER, 2014.

Questions? Questions concerning this assessment **amount** should be directed to Chris Link, Operations Superintendent @ 612-861-9174.



STAFF REPORT
CITY COUNCIL MEETING
SEPTEMBER 9, 2014

REPORT PREPARED BY:	CHRIS REGIS, FINANCE MANAGER
	<small>NAME, TITLE</small>
DEPARTMENT DIRECTOR REVIEW:	<input checked="" type="checkbox"/> 
	<small>SIGNATURE</small>
OTHER DEPARTMENT REVIEW:	<input type="checkbox"/> N/A
	<small>SIGNATURE</small>
REVIEWED BY CITY MANAGER:	<input checked="" type="checkbox"/> 

ITEM FOR COUNCIL CONSIDERATION:

Consideration of the attached resolution declaring costs to be assessed for current services performed for weed elimination from private property and removal or elimination of public health or safety hazards from private property.

I. RECOMMENDED ACTION:

By Motion: Adopt the attached resolution declaring costs to be assessed and ordering the preparation of the proposed assessment roll for weed elimination from private property and removal or elimination of public health or safety hazards from private property and setting the public hearing date for October 14, 2014.

II. EXECUTIVE SUMMARY

Minnesota State Statutes provide that the City may levy a special one year assessment for the elimination of public health or safety hazards or the elimination of weeds from private properties.

The special assessments are based on costs incurred by the City in connection with the abatement of weeds or public health or safety hazards on certain properties in the City which are not properly maintained.

The owners of the subject properties are notified by the City to take corrective action with regard to the issue with the property. If the specific property issues were not abated within the proper time limit the City would take the corrective action necessary and bill the property owner.

In all cases, property owners will be notified that any unpaid charges or fees may be assessed against the property.

III. BASIS OF RECOMMENDATION

A. BACKGROUND

-

B. POLICY

- The nuisance properties were not maintained by the owners and the City incurred costs to abate the nuisance.
- Minnesota State Statutes and Richfield City Code provide that the City may levy a special one-year assessment for these costs.
- Notice of the certification will be published in the Sun Current September 25, 2014.

C. CRITICAL TIMING ISSUES

- N/A

D. FINANCIAL

- The proposed special assessment for the elimination of public health or safety hazards from private property is \$5,636.10 with an additional 5% interest penalty.
- The proposed special assessment for weed elimination from private property is \$4,890.00 with an additional 5% interest penalty.
- Costs incurred for city staff time in the cleanup of the properties or to remove the weeds are included in the special assessment amount.
- A \$50.00 administrative fee is charged to all properties.
- The affected property owner may prepay the original principal amount without interest within 30 days from the date the Council adopts the assessment, scheduled for October 14, 2014. If the original principal amount is not paid, the assessment will be charged 5% interest.

E. LEGAL

- No legal issues are apparent at this time. The City Attorney will be in attendance at the Council meeting should a legal question arise.

F. ENVIRONMENTAL CONSIDERATIONS

- N/A

IV. ALTERNATIVE RECOMMENDATION(S)

- Do not approve the attached resolutions and have the costs absorbed by the City.

V. ATTACHMENTS

- Resolution declaring costs to be assessed and ordering preparation of proposed assessment for weed elimination from private property, and removal or elimination of public health or safety hazards from private property.

VI. PRINCIPAL PARTIES EXPECTED AT MEETING

- None.

RESOLUTION NO.**RESOLUTION DECLARING COSTS TO BE ASSESSED AND
ORDERING PREPARATION OF PROPOSED ASSESSMENT FOR
WEED ELIMINATION FROM PRIVATE PROPERTY AND REMOVAL OR ELIMINATION
OF PUBLIC HEALTH OR SAFETY HAZARDS FROM PRIVATE PROPERTY.**

WHEREAS, costs have been determined for weed elimination and removal or elimination of public health or safety hazards from private properties in the City of Richfield and the expenses incurred or to be incurred for such work ordered amount to \$10,526.10.

Property Address	Property ID Number	Weed Elimination	Public Health or Safety Hazards
1001 W 76th Street	33-028-24-44-0009		250.00
1820 66th Street W	28-028-24-24-0089	170.00	
6227 15th Ave S	26-028-24-12-0056	170.00	
6236 Bloomington Ave S	26-028-24-12-0049	170.00	
6300 14th Ave S	26-028-24-12-0136	170.00	645.10
6341 Humboldt Ave S	28-028-24-12-0041	170.00	
6401 Xerxes Ave S	29-028-24-13-0029	170.00	
6414 Grand Ave S	27-028-24-23-0045	170.00	
6439 Washburn Ave S	29-028-24-13-0060	230.00	
6529 Newton Ave S	28-028-24-23-0110		495.00
6621 10th Ave S	26-028-24-31-0028		305.00
6626 13th Ave S	26-028-24-42-0032	170.00	
6644 16th Ave S	26-028-24-41-0057		250.00
6713 Queen Ave S	29-028-24-41-0156	170.00	
6732 Chicago Ave S	26-028-24-32-0098	340.00	
6733 12th Ave S	26-028-24-42-0131		125.00
6800 Thomas Ave S	29-028-24-43-0001		170.00
6845 18th Ave S	26-028-24-44-0009	230.00	
6910 13th Ave S	26-028-24-43-0075		250.00
6933 Blaisdell Ave S	27-028-24-34-0005	170.00	
6935 12th Ave S	26-028-24-43-0095		250.00
7016 Columbus Ave S	35-028-24-22-0012	170.00	120.00
7029 Bloomington Ave S	35-028-24-11-0074	170.00	
7101 Columbus Ave S	35-028-24-22-0098		240.00
7144 4th Ave S	34-028-24-11-0044	400.00	155.00
7200 Nicollet Ave	34-028-24-24-0001		195.00
7201 Newton Ave S	33-028-24-23-0046		340.00
7232 Penn Ave S	32-028-24-14-0011	170.00	
7308 Upton Ave S	32-028-24-13-0055	170.00	
7401 5th Ave S	34-028-24-41-0016	170.00	
7438 Clinton Ave S	34-028-24-41-0081	170.00	
7438 Elliot Ave S	35-028-24-31-0119		250.00
7445 Colfax Ave S	33-028-24-41-0050	400.00	280.00
7514 3rd Ave S	34-028-24-42-0115		250.00
7533 Dupont Ave S	33-028-24-41-0098	400.00	166.00
7538 4th ave s	34-028-24-41-0115		655.00
7626 12th Ave S	35-028-24-34-0011	170.00	120.00
7645 Nicollet Ave S	34-028-24-43-0070		125.00
Total		\$4,890.00	\$5,636.10

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Richfield, Minnesota:

1. The total cost to be assessed against benefited property owners is declared to be \$10,526.10.
2. The City Clerk shall forthwith calculate the proper amount to be specially assessed for such work against each benefited property, and shall file a copy of such proposed assessment in her office for public inspection.
3. The Clerk shall, upon the completion of such proposed assessment, notify the City Council thereof.
4. A hearing shall be held on the 14th day of October, 2014 in the City Hall Council Chambers at 7:00 p.m., or as soon as hereafter as it may be reached on the agenda, to pass upon such proposed assessment and at such time and place all persons owning property affected by the weed elimination and/or removal of public health or safety hazards assessment will be given an opportunity to be heard in reference to such assessment.
5. The City Clerk is hereby directed to cause a notice of the hearing on the proposed assessment at least two weeks prior to the hearing and shall state in the notice the total cost of the weed elimination and the removal or elimination of public health or safety hazards. The City Clerk shall also cause mailed notice to be given to the owner of each parcel described in the assessment roll not less than two weeks prior to the hearing.

Adopted by the City Council of the City of Richfield this 9th day of September, 2014.



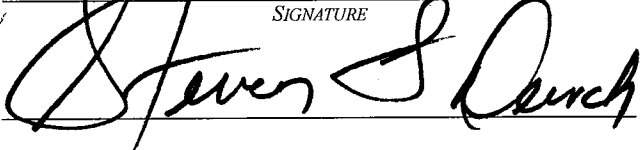
Debbie Goettel, Mayor

ATTEST:

Nancy Gibbs, City Clerk



STAFF REPORT
CITY COUNCIL MEETING
SEPTEMBER 9, 2014

REPORT PREPARED BY:	CHRIS REGIS, FINANCE MANAGER
	<small>NAME, TITLE</small>
DEPARTMENT DIRECTOR REVIEW:	<input checked="" type="checkbox"/>  <small>SIGNATURE</small>
OTHER DEPARTMENT REVIEW:	<input type="checkbox"/>  <small>SIGNATURE</small>
REVIEWED BY CITY MANAGER:	<input checked="" type="checkbox"/> 

ITEM FOR COUNCIL CONSIDERATION:
Consideration of the attached resolution declaring costs to be assessed for unpaid false alarm user fees against private property.

I. RECOMMENDED ACTION:
By Motion: Adopt the attached resolution declaring costs to be assessed and ordering the preparation of the proposed assessment roll for unpaid false alarm user fees against private property and setting the public hearing date for October 14, 2014.

II. EXECUTIVE SUMMARY

Richfield City Code and City Charter allow the City to specially assess delinquent false alarm user fees against the respective properties. State Statutes provide that the City may levy a special one year assessment for these costs.

Unpaid alarm user fees must be paid to the City within 30 days from the date of written notice by the City to the alarm user. Fees not paid within the time specified will be subject to a 10% penalty charge.

The special assessment for unpaid false alarm user fees from private properties is to recover costs incurred by the City in connection with the response by public safety to an alarm call on certain properties in the City that turns out to be false.

III. BASIS OF RECOMMENDATION

A. BACKGROUND

- N/A

B. POLICY

- Richfield City Code section 915.07 Subd. 3 and chapter 8.02 of the City Charter allows the City to specially assess delinquent false alarm user fees against the respective properties.
- Minnesota State Statutes provide that the City may levy a special one-year assessment for these costs.
- Notice of the certification will be published in the Sun Current September 25, 2014.

C. CRITICAL TIMING ISSUES

- N/A

D. FINANCIAL

- A 10% penalty charge is applied to all properties which have not paid within the time specified.
- The proposed special assessment for unpaid false alarm user fees from private property is \$1,870.00 with an additional 5% interest charge on the assessment.
- The affected property owner may prepay the original principal amount without interest within 30 days from the date the Council adopts the assessment, scheduled for October 14, 2014. If the original principal amount is not paid, the assessment will be charged 5% interest.

E. LEGAL

- No legal issues are apparent at this time. The City Attorney will be in attendance at the Council meeting should a legal question arise.

F. ENVIRONMENTAL CONSIDERATIONS

- N/A

IV. ALTERNATIVE RECOMMENDATION(S)

- Do not approve the attached resolutions and have the costs absorbed by the City.

V. ATTACHMENTS

- Resolution declaring costs to be assessed and ordering preparation of proposed assessment for unpaid false alarm user fees from private property.

VI. PRINCIPAL PARTIES EXPECTED AT MEETING

- None.

RESOLUTION NO.
RESOLUTION DECLARING COSTS TO BE ASSESSED AND
ORDERING PREPARATION OF PROPOSED ASSESSMENT FOR
UNPAID FALSE ALARM FEES FROM PRIVATE PROPERTY.

WHEREAS, costs have been determined for unpaid false alarm fees from private properties in the City of Richfield in the amount of \$1,870.00.

Property Address	Property ID Number	Unpaid False Alarm Fee
1640 E. 78th Street	35-028-24-44-0007	110.00
2409 W 66th Street	29-028-24-41-0015	110.00
2940 W. 66th Street	29-028-24-13-0081	110.00
6301 Richfield Parkway	26-028-24-11-0077	110.00
6310 Penn Ave	29-028-24-11-0003	110.00
6425 Penn Ave S	28-028-24-23-0009	110.00
6625 Lyndale Ave S	27-028-24-32-0137	550.00
6636 Cedar Ave	26-028-24-41-0063	220.00
6745 13th Ave.	26-028-24-42-0097	220.00
951 E 77th Street	35-028-24-34-0005	220.00
Total		<u>\$1,870.00</u>

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Richfield, Minnesota:

1. The total cost to be assessed against benefited property owners is declared to be \$1,870.00.
2. The City Clerk shall forthwith calculate the proper amount to be specially assessed for costs incurred against each benefited property, and shall file a copy of such proposed assessment in her office for public inspection.
3. The Clerk shall, upon the completion of such proposed assessment, notify the City Council thereof.
4. A hearing shall be held on the 14th day of October, 2014 in the City Hall Council Chambers at 7:00 p.m., or as soon as hereafter as it may be reached on the agenda, to pass upon such proposed assessment and at such time and place all persons owning property affected by the unpaid false alarm fee assessment will be given an opportunity to be heard in reference to such assessment.
5. The City Clerk is hereby directed to cause a notice of the hearing on the proposed assessment at least two weeks prior to the hearing and shall state in the notice the total cost of the unpaid false alarm fees. The City Clerk shall also cause mailed notice to be given to the owner of each parcel described in the assessment roll not less than two weeks prior to the hearing.

Adopted by the City Council of the City of Richfield this 9th day of September, 2014.

Debbie Goettel, Mayor

ATTEST:

Nancy Gibbs, City Clerk



STAFF REPORT
CITY COUNCIL MEETING
SEPTEMBER 9, 2014

REPORT PREPARED BY:

CHRIS LINK, OPERATIONS
SUPERINTENDENT

NAME, TITLE

DEPARTMENT DIRECTOR REVIEW:



MJE

SIGNATURE

OTHER DEPARTMENT REVIEW:



[Signature]

SIGNATURE

REVIEWED BY CITY MANAGER:



[Signature]

ITEM FOR COUNCIL CONSIDERATION:

Consideration of the purchase of a Fire Pumper Chassis in 2014 and the purchase of a Fire Pumper Body in 2015.

I. RECOMMENDED ACTION:

By Motion: Approve purchase of a Fire Pumper Chassis for \$181,681.00 in 2014 and a Fire Pumper Body for \$244,613.00, totaling \$ 426,294.00, from Roesenbauer Firefighting Technology.

II. EXECUTIVE SUMMARY

City of Richfield Fire Department staff utilizes two Fire Pumpers on a daily basis. The vehicle to be purchased will be the primary truck housed at Fire Station 1 for all fire calls. This vehicle responds to over 1,200 calls (fire and medical) per year.

Because of the total cost of this vehicle staff is asking for purchasing components of the truck in multiple years. The original piece of equipment was purchased in 1999 and will be resold at auction after delivery.

III. BASIS OF RECOMMENDATION

A. BACKGROUND

- The vehicle that will be replaced was originally purchased in 1999
- A task force comprised of fire line and staff personnel prepared specifications and reviewed the proposal

B. POLICY

- The City of Richfield currently purchases vehicles using cooperative sources. The Houston Galveston Area Council (HGAC) Cooperative Purchasing Program is one of these sources. The Fire Pumper will be purchased through the HGAC.

C. CRITICAL TIMING ISSUES

- Approval at this meeting will allow sufficient time for delivery of the chassis and building of the box to be complete by the end of the year 2015.
- It also assures the purchase occurs in the year the equipment was budgeted

D. FINANCIAL

- Purchase of the Fire Pumper Chassis and Body is identified in the 2014R-2015P Central Garage Budget (61000-7500) for \$160,000 in 2014 and \$240,000 in 2015.
- Remaining funds from this year's purchase of a Loader (\$15,833) and Un-marked Squad cars (\$14,061) will be used towards the purchase of the Fire Pumper Chassis.
- The 2015R-2016P Budget will be adjusted to reflect the actual cost of the Fire Pumper Body.

E. LEGAL

- When the purchase of materials, merchandise, equipment, or construction exceeds \$50,000, authority to purchase shall be submitted to the City Council for consideration.

F. ENVIRONMENTAL CONSIDERATIONS

- There are no environmental considerations at this time.

IV. ALTERNATIVE RECOMMENDATION(S)

- Council may delay approval to a later meeting. Delayed approval, however, will result in delayed delivery.

V. ATTACHMENTS

- None

VI. PRINCIPAL PARTIES EXPECTED AT MEETING

- The Fire Chief will be available for any questions regarding this piece of equipment.



STAFF REPORT
CITY COUNCIL MEETING
SEPTEMBER 9, 2014

REPORT PREPARED BY:

ROBERT HINTGEN, UTILITY
SUPERINTENDENT

NAME, TITLE

DEPARTMENT DIRECTOR REVIEW:



MJE

SIGNATURE

OTHER DEPARTMENT REVIEW:



N/A

SIGNATURE

REVIEWED BY CITY MANAGER:



Steven J. Rausch

ITEM FOR COUNCIL CONSIDERATION:

Consideration of a 5-year lease agreement with the Minnesota Department of Health for air monitoring equipment located at the Richfield Water Treatment Facility.

I. RECOMMENDED ACTION:

By Motion: Approve Minnesota Department of Health 5-year lease agreement for air monitoring equipment located at the Richfield Water Treatment Plant.

II. EXECUTIVE SUMMARY

In May of 2011, the Minnesota Pollution Control Agency installed air monitoring equipment as part of their Air Monitoring Program at the Richfield Water Treatment Facility (6221 Portland Avenue South).

As of September 1, 2014 the oversight of this program is being transferred to the Minnesota Department of Health. The Minnesota Department of Health is required to have their own agreement in place.

III. BASIS OF RECOMMENDATION

A. BACKGROUND

In May of 2011, the Minnesota Pollution Control Agency installed air monitoring equipment as part of their Air Monitoring Program at the Richfield Water Treatment Facility (6221 Portland Avenue South).

This equipment is accessed on a daily basis to obtain the data.
As of September 1, 2014 the oversight of this program is being transferred to the Minnesota Department of Health. The Minnesota Department of Health is required to have their own agreement in place.

B. POLICY

- City Council approval is required for such agreements.

C. CRITICAL TIMING ISSUES

- Terms of the lease agreement are September 1, 2014 through August 31, 2019. Upon request, the agreement can continue for another 5-year period at the same terms and conditions.

D. FINANCIAL

- Approval of the lease will have no impact on the City finances.

E. LEGAL

- The City Attorney has reviewed the lease agreement.

F. ENVIRONMENTAL CONSIDERATIONS

- This equipment is part of their Air Monitoring Program.

IV. ALTERNATIVE RECOMMENDATION(S)

- The Council may choose not to approve the lease and direct staff on how to proceed.

V. ATTACHMENTS

- Lease agreement
- Exhibit A – Location of Air Monitoring Equipment.
- Exhibit B – Photo of Air Monitoring Equipment.

VI. PRINCIPAL PARTIES EXPECTED AT MEETING

- None

STATE OF MINNESOTA
MONITORING EQUIPMENT SITE LICENSE

LICENSE NO. L-344

This License is by and between the City of Richfield, hereinafter referred to as LICENSOR and the State of Minnesota, Department of Administration, hereinafter referred to as LICENSEE, acting for the benefit of the Department of Health.

WHEREAS, LICENSOR and LICENSEE, in consideration of the fees, covenants and considerations hereinafter specified, do hereby agree each with the other as follows.

1. **PREMISES** LICENSOR grants and LICENSEE accepts the use of the following Premises as an air monitoring site in the City of Richfield, Hennepin County, Minnesota 55423:

Water Treatment Facility located at 6221 Portland Avenue S; equipment is located in the SE corner of facility as shown on Exhibits A and B.

2. **TERM** This License is for a term of five (5) years commencing September 1, 2014 and continuing through August 31, 2019 ("License Term").

3. **FEE** LICENSOR and LICENSEE hereby agree that there is no Fee for the use of the Premises.

4. **OPTION TO RENEW**

4.1 LICENSOR grants and LICENSEE accepts the right to one (1) option to renew this License for a period of five (5) years, commencing September 1, 2019 and continuing through August 31, 2024 ("Option Period") at the same terms and conditions as this License.

4.2 To exercise the above noted Option to Renew, LICENSEE must indicate in writing its interest to exercise said option no later than June 30, 2019.

5. **DUTIES OF LICENSOR**

5.1 LICENSOR shall provide LICENSEE with access to the Premises. LICENSOR has provided LICENSEE with two (2) activated access cards.

5.2 LICENSOR shall provide LICENSEE with electrical service to operate the monitoring equipment.

6. **DUTIES OF LICENSEE**

- 6.1 LICENSEE shall pay for the cost of any necessary electrical equipment and its installation.
- 6.2 LICENSEE shall furnish all materials and services required for its use of the Premises.
- 6.3 LICENSEE shall maintain the Premises in reasonably good condition and state of repair during its tenancy.
- 6.4 LICENSEE shall surrender the Premises to LICENSOR upon termination in the condition it was in at the start of LICENSEE's tenancy, except for reasonable wear and damage by the elements.
- 6.5 LICENSEE shall be responsible for any repairs to the Premises caused by removal of its monitoring equipment at termination of this License.

7. **LIABILITY** LICENSOR and LICENSEE agree that each party will be responsible for its own acts and the results thereof to the extent authorized by law and shall not be responsible for the acts of any others and the results thereof. LICENSEE'S liability shall be governed by the provisions of the Minnesota Tort Claims Act, Minn. Stat. §3.736, and other applicable law.

8. **TERMINATION** Either Party may terminate this License for any reason at any time upon providing thirty (30) days prior written notice of termination to the Other Party.

9. **SURRENDER OF PREMISES** LICENSOR and LICENSEE hereby agree that at the expiration or earlier termination of this License or extension thereof, any equipment (hereinafter referred to as "Personal Property"). LICENSEE shall remove its Personal Property and vacate and surrender possession of the Premises to LICENSOR in as good condition as when LICENSEE took possession, ordinary wear and tear and damage by the elements excepted.

10. **COMPLIANCE WITH OTHER LAWS** This License does not authorize any noncompliance with applicable local, state and federal laws, rules or ordinances.

11. **AUDIT** Pursuant to Minn. Stat. §16C.05, subd. 5, the books, records, documents and accounting procedures and practices of LICENSOR relevant to this License shall be subject to examination by the State and/or Legislative Auditor, as appropriate, for a minimum of six (6) years.

12. **GOVERNMENT DATA PRACTICES ACT COMPLIANCE**

- 12.1 LICENSOR must comply with the Minnesota Government Data Practices Act, Minn. Stat., Chapter 13, as it applies to all data provided by LICENSEE in accordance with this License and as it applies to all data created, collected, received, stored, used,

maintained, or disseminated by LICENSOR in accordance with this License. The civil remedies of Minn. Stat. §13.08, apply to LICENSOR and LICENSEE.

- 12.2 Minn. Stat., Chapter 13, provides that all government data are public unless otherwise classified. If LICENSOR receives a request to release the data referred to in this Clause, LICENSOR must immediately notify LICENSEE and consult with LICENSEE as to how LICENSOR should respond to the request. LICENSOR'S response shall comply with applicable law, including that the response is timely and, if LICENSOR denies access to the data, that LICENSOR'S response references the statutory basis upon which LICENSOR relied. LICENSOR does not have a duty to provide public data to the public if the public data is available from LICENSEE.

13. **NOTICES**

- 13.1 All notices or communications between LICENSOR and LICENSEE shall be in writing and deemed to have been given upon the occurrence of one of the following methods of delivery to the address noted in Clause 13.2 below.

- a. when personally delivered to the addressee, or
- b. on the second business day after sender has deposited the registered or certified mailing with the US Postal Service, or
- c. one (1) business day after deposited with an overnight courier service.

13.2 **Mailing Addresses:**

LICENSOR:

City of Richfield
1901 E 66th St
Richfield MN 55423
Attn: Robert Hintgen

LICENSEE:

Real Estate and Construction Services
Department of Administration
50 Sherburne Ave # 309
St Paul MN 55155

ATTACHMENT:

- EXHIBIT A Location of Air Monitoring Equipment
EXHIBIT B Photo of Air Monitoring Equipment

IN WITNESS WHEREOF, the parties have set their hands on the date(s) indicated below intending to be bound thereby.

LICENSOR:
CITY OF RICHFIELD

LICENSOR certifies that the appropriate person(s) have executed the License on behalf of LICENSOR as required by applicable articles, bylaws, resolutions or ordinances.

By Steven L. Devich
Title City Manager
Date September 9, 2014

LICENSEE:
STATE OF MINNESOTA
DEPARTMENT OF ADMINISTRATION
COMMISSIONER

By _____
Title _____
Date _____

By Debbie Goettel
Title Mayor
Date September 9, 2014

APPROVED:
STATE OF MINNESOTA
DEPARTMENT OF HEALTH

By J. M. Davis
Title MDH FFM Asst. Dir. Dir.
Date 8/27/2014

STATE ENCUMBRANCE VERIFICATION
Individual signing certifies that funds have been encumbered as required by Minn. Stat. § 16A.15, and 16C.05

By NA
Date NA
Contract No. NA

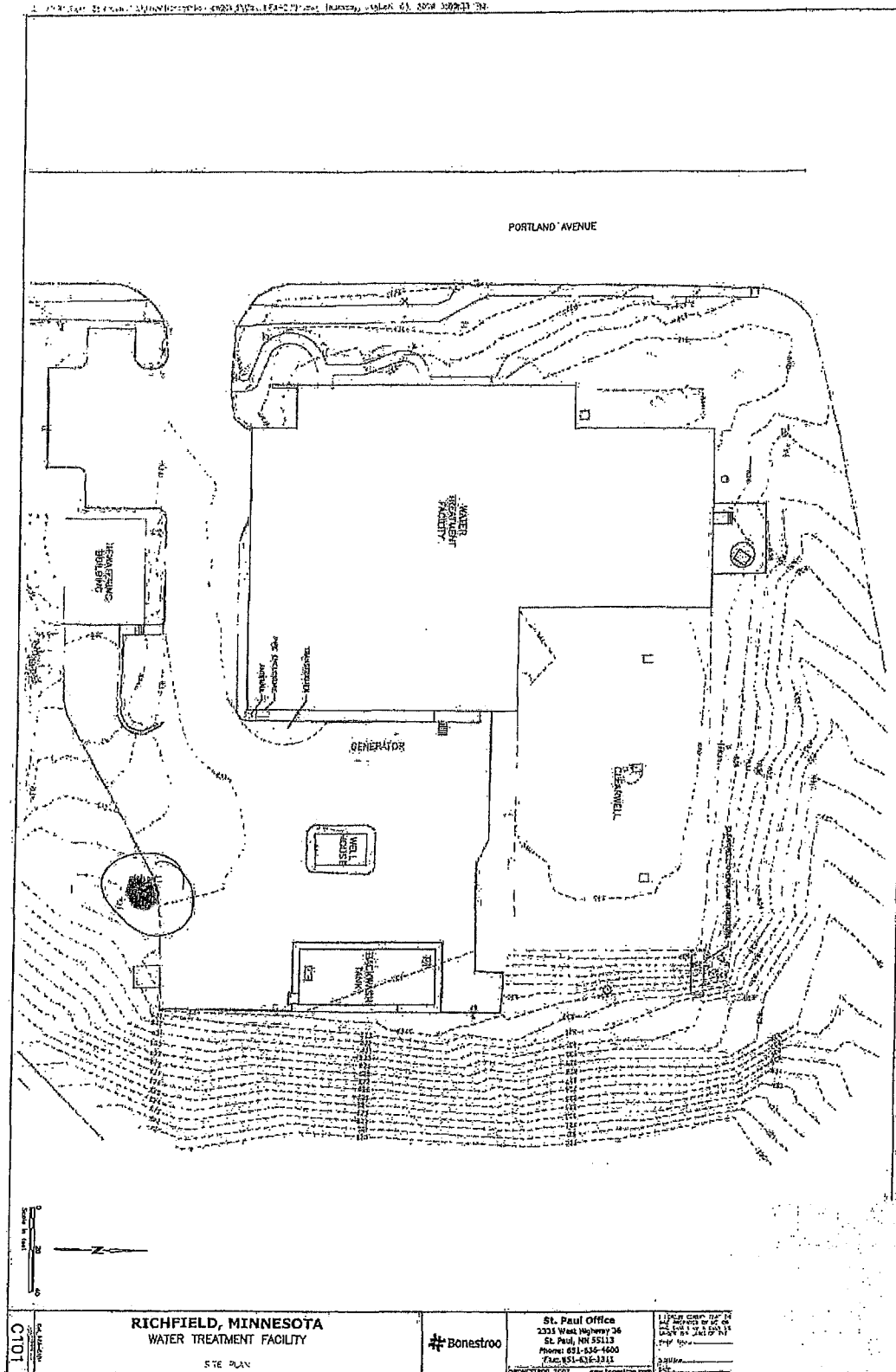


Exhibit A

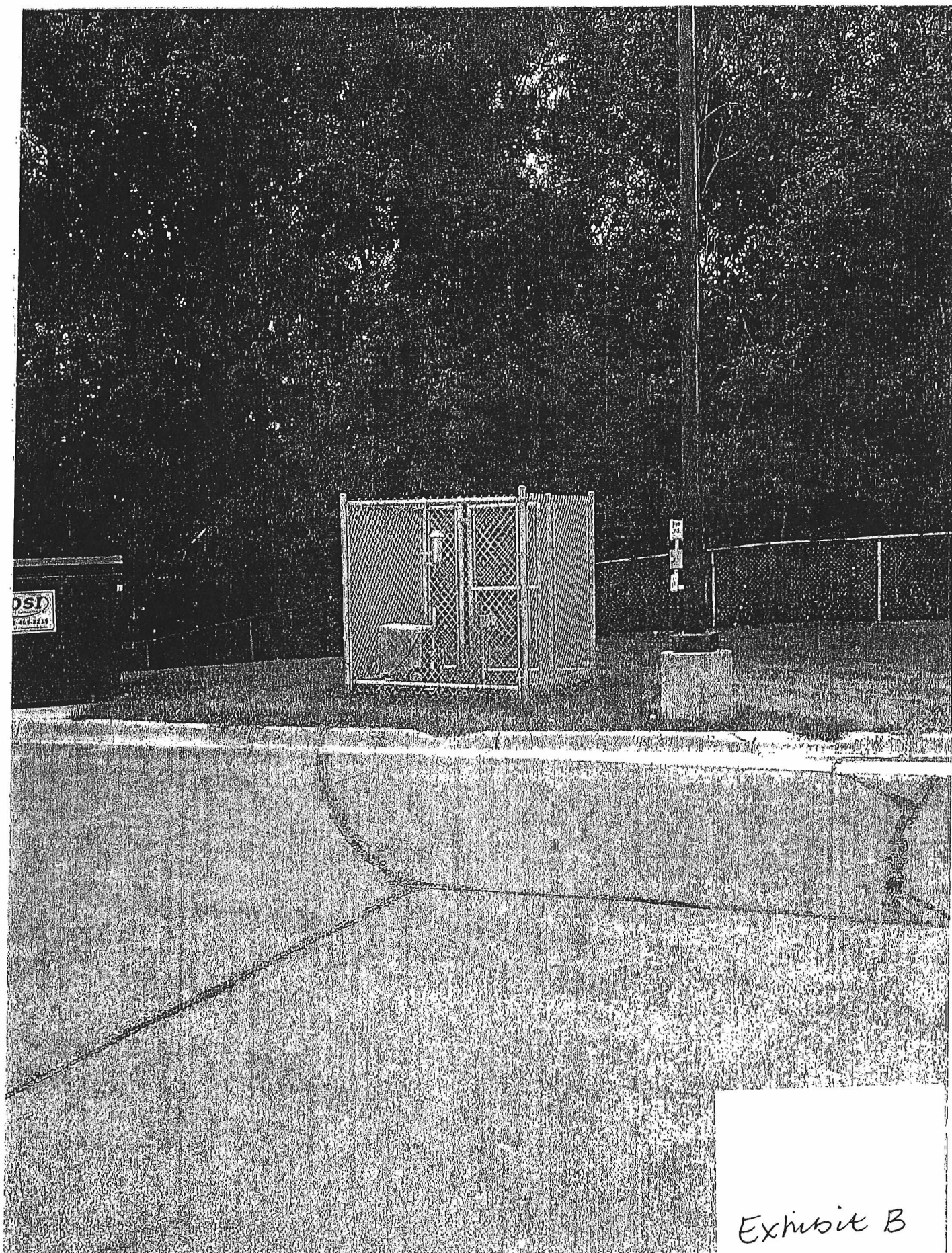
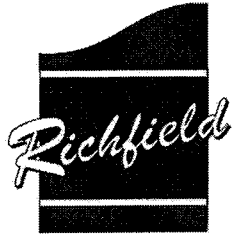

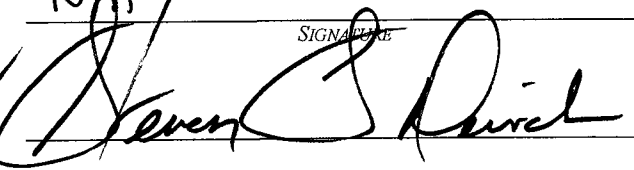


Exhibit B



STAFF REPORT
CITY COUNCIL MEETING
SEPTEMBER 9, 2014

REPORT PREPARED BY:	JULIE URBAN/KATE AITCHISON, HOUSING SPECIALISTS <small>NAME, TITLE</small>
DEPARTMENT DIRECTOR REVIEW:	<input checked="" type="checkbox"/>  <small>SIGNATURE</small>
OTHER DEPARTMENT REVIEW:	<input checked="" type="checkbox"/> N/A <small>SIGNATURE</small>
REVIEWED BY CITY MANAGER:	<input checked="" type="checkbox"/>  <small>SIGNATURE</small>

ITEM FOR COUNCIL CONSIDERATION:

Public hearing and consideration of a resolution reprogramming funds from the 2013 and 2014 Community Development Block Grant allocations from the Penn Avenue Façade Program to Penn Avenue Streetscape Improvements.

I. RECOMMENDED ACTION:

Conduct and close the public hearing and by motion: Approve a resolution authorizing the reprogramming of funds for the 2013 and 2014 Urban Hennepin County Community Development Block Grant Program from the Penn Avenue Façade Program to Penn Avenue Streetscape Improvements, and authorizing execution of any required agreements with Hennepin County.

II. EXECUTIVE SUMMARY

Each year the City is awarded Community Development Block Grant (CDBG) funding on a formula basis from the federal Department of Housing and Urban Development (HUD). Richfield is allocated a portion of these funds to address local needs relating to affordable housing, community development and public services.

The City designated \$60,419 of its 2013 award and \$60,419 of its 2014 award to the Penn Avenue Façade Improvement Program, which would provide no-interest loans to Penn Avenue businesses making exterior improvements to their properties. Due

to Federal administrative requirements and in order to spend the funds within the required time limits, the City is proposing to reprogram these funds to make Penn Avenue streetscape improvements. The funds will be used to make streetscape improvements such as pedestrian-level lighting, sidewalk improvements, benches, planters, and trash receptacles in the public right-of-way along Penn Avenue between T.H. 62 and 67th Streets.

Funding Penn Avenue Streetscape Improvements is a new activity, and under CDBG guidelines, funding a new activity requires a 30-day written comment period. Notice of the public comment period was published in the Sun Current on August 7, 2014. Written comments were accepted through September 8, 2014. No written comments have been received.

III. BASIS OF RECOMMENDATION

A. BACKGROUND

- \$60,491 of each 2013 and 2014 CDBG funds were allocated to the Housing and Redevelopment Authority (HRA) for a Penn Avenue Façade Improvement Loan Program. The program provided a 10-year deferred loan of up to 20% of the eligible project costs (maximum of \$25,000) to property owners who make exterior improvements to their building.
- Federal administrative requirements to implement the Façade Improvement Program proved to be too onerous to effectively manage the program.
- Upon further discussion with Hennepin County, staff determined utilizing the funds to make streetscape improvements along Penn Avenue would be a more practical, yet still impactful use of the funds.

B. POLICY

- All funded activities must meet one of three national objectives: benefitting low and moderate-income persons, preventing or eliminating slums and/or blight, or meet an urgent need. In addition, activities must be consistent with priorities identified in the County's Consolidated Plan. Those priorities include a variety of housing activities such as housing rehabilitation, public services to maintain or increase self-sufficiency, and neighborhood revitalization activities.

C. CRITICAL TIMING ISSUES

- The 2013 Fiscal Year began on July 1, 2013. Federal guidelines state that the City has until December 31, 2014 to spend the 2013 funds.
- The Penn Avenue Streetscape Improvements is a new activity, and the reprogramming of 2013 and 2014 funds to a new activity requires a 30-day comment period, according to CDBG guidelines. The comment period ended on September 8, 2014.

D. FINANCIAL

- \$60,491 of 2013 federal CDBG funds and \$60,491 of 2014 CDBG funds would be allocated to streetscape improvements along Penn Avenue.
- The Penn Avenue Streetscape Improvement Program is limited to an allocation of no more than 30 percent of the CDBG award. CDBG regulations require that 70 percent of CDBG expenditures must be used for activities that benefit low income persons.

E. LEGAL

- A notice of the public comment period was published on August 7, 2014, in the *Sun Current*. The notice was also posted in the Municipal Center.
- CDBG guidelines require a 30-day written comment period to reprogram funds to a new activity.

F. ENVIRONMENTAL CONSIDERATIONS

- N/A

IV. ALTERNATIVE RECOMMENDATION(S)

- Direct staff to reprogram funds to an alternate CDBG-eligible activity; however, if the City fails to spend the 2013 funds by December 31, 2014, the funds may be required to be returned to Hennepin County.

V. ATTACHMENTS

- Resolution reprogramming 2013 and 2014 CDBG funds.

VI. PRINCIPAL PARTIES EXPECTED AT MEETING

- Interested parties may attend to offer verbal comments.

RESOLUTION NO.

RESOLUTION REPROGRAMMING 2013 AND 2014 URBAN HENNEPIN COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM FUNDS AND AUTHORIZING EXECUTION OF SUBRECIPIENT AGREEMENT WITH HENNEPIN COUNTY AND ANY REQUIRED THIRD PARTY AGREEMENTS

WHEREAS, the City of Richfield, Minnesota, through execution of a Joint Cooperation Agreement with Hennepin County, is participating in the Urban Hennepin County Community Development Block Grant (CDBG) Program; and

WHEREAS, the City of Richfield has developed a proposal to reprogram \$60,419 in 2013 and \$60,419 in 2014 CDBG funds from the Penn Avenue Façade Improvement Program to Penn Avenue Streetscape Improvements; and

WHEREAS, the City published notice of and held a 30-day public comment period from August 8, 2014 to September 8, 2014, on the proposed reprogramming; and

WHEREAS, the City held a public hearing on September 9, 2014 to obtain the views of citizens on the proposed reprogramming; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of Richfield, Minnesota as follows:

1. Funding from the 2013 and 2014 Urban Hennepin County Community Development Block Grant Program be reprogrammed as follows:

Activity	Approved Budget	Proposed Budget
<i>FY 2013</i>		
Penn Avenue Façade Improvement Program	\$60,491	\$0
Penn Avenue Streetscape Improvements	\$0	\$60,491
<i>FY 2014</i>		
Penn Avenue Façade Improvement Program	\$60,491	\$0
Penn Avenue Streetscape Improvements	\$0	\$60,491

2. That the Mayor and City Council hereby authorize and direct the execution of the Subrecipient Agreement with Hennepin County and any required Third Party Agreements on behalf of the City to implement the reprogramming.

Adopted by the City Council of the City of Richfield, Minnesota this 9th day of September, 2014.

Debbie Goettel, Mayor

ATTEST:

Nancy Gibbs, City Clerk



STAFF REPORT

CITY COUNCIL MEETING

SEPTEMBER 9, 2014

REPORT PREPARED BY:

MELISSA POEHLMAN, CITY PLANNER

NAME, TITLE

DEPARTMENT DIRECTOR REVIEW:



SIGNATURE

OTHER DEPARTMENT REVIEW:



SIGNATURE

REVIEWED BY CITY MANAGER:



ITEM FOR COUNCIL CONSIDERATION:
Consideration of an amendment to the City's Zoning Ordinance and summary publication of said ordinance. The proposed amendment will eliminate the City's appointed Hearing Examiner positions and designate the Planning Commission as the deciding body for variance applications beginning in 2015.

I. RECOMMENDED ACTION:

By Motion:

- 1) Approve the attached ordinance amending Subsection 547.05, Subdivision 4; and Subsection 547.11 related to the consideration of variance applications.**
- 2) Approve the attached resolution authorizing summary publication of an ordinance amending the City's Zoning Ordinance. Changes are related to the processing of variance applications by the Planning Commission.**

II. EXECUTIVE SUMMARY

City staff continually monitors and notes areas of the Zoning Code that may require review and revision. In the course of this review, staff has identified an administrative process that is no longer efficient. Under current Code regulations, stand-alone variance requests (variances that are not part of another land use

application) are considered by an appointed Committee of Hearing Examiners. This Committee is typically comprised of two residents appointed by the City Manager and confirmed by the Council. Over the past decade, the number of stand-alone variance requests has steadily declined. Since 2010, there have been only five applications.

The Committee of Hearing Examiners serves for a term of two years. In late 2013, appointed Hearing Examiner Paul Wasko resigned. Given that there are only one or two hearings per year, a replacement has not been appointed. Current Hearing Examiner Connie Murray's term expires at the end of 2014. Staff is proposing that following the expiration of Ms. Murray's term, consideration of variance requests be returned to the Planning Commission. A separate process heard before a separate committee, no longer seems necessary.

III. BASIS OF RECOMMENDATION

A. BACKGROUND

In the 1970s and 80s there were years when the City was receiving and processing 35 or more variance applications per year. New homes and businesses were being built rapidly as the community filled in. The number of requests was so significant, that the community decided to create a Committee of Hearing Examiners to consider variance requests alone; thereby allowing the Planning Commission to concentrate on short and long-term planning issues.

Over the years the number of variance requests has dropped significantly. Not only is the City now fully built up, but Richfield also has a history of proactively updating the Zoning Code to allow some flexibility and to keep up with changing norms. This proactive approach is intended to allow reasonable accommodations and to eliminate the need for many variances.

B. POLICY

- The proposed ordinance will give the Planning Commission the authority to approve/deny stand-alone variances. Applicants can appeal a decision of the Planning Commission to the City Council, as they could under the current ordinance.
- The City Council will retain authority to approve/deny variances that are applied for in conjunction with another land use approval (e.g. conditional use permit, site plan approval).
- Ongoing review and periodic updating of the Code is necessary to ensure that regulations are serving their intended purpose.

C. CRITICAL TIMING ISSUES

- The proposed ordinance would take effect January 1, 2015.

D. FINANCIAL

- None

E. LEGAL

- The proposed ordinance has been reviewed by the City Attorney.
- A public hearing was held before the Planning Commission on August 11, 2014.
- Notice of the public hearing was published in the Sun Current newspaper in accordance with City and State requirements.
- No members of the public spoke at the hearing.
- The Planning Commission recommended approval of the ordinance (6-0).
- The Council approved a first reading of the ordinance on August 26, 2014.

F. ENVIRONMENTAL CONSIDERATIONS

- None

IV. ALTERNATIVE RECOMMENDATION(S)

- Direct staff to make additional changes to the ordinance.
- Reject the proposed ordinance.

V. ATTACHMENTS

- Ordinance
- Resolution

VI. PRINCIPAL PARTIES EXPECTED AT MEETING

- None

BILL NO. _____

AMENDMENT TO RICHFIELD CITY CODE RELATED TO ZONING

AMENDING SUBSECTIONS 547.05, SUBDIVISION 4;
AND SUBSECTION 547.11
RELATED TO THE CONSIDERATION OF VARIANCES

THE CITY OF RICHFIELD DOES ORDAIN:

Section 1 Subsection 547.05, Subdivision 4 of the Richfield City Code is amended to read as follows:

Subd. 4. Powers. The Board shall have the following powers:

- a) To hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, or determination made by the Director in the interpretation or enforcement of this code;
- ~~b) To hear and decide variances to the literal provisions of this code upon the expiration of authority of the Committee of Hearing Examiners established by Section 547.11 of this code; and~~
- eb) To hear and decide variances to the literal provisions of this code when said variances are processed in conjunction with another planning and zoning application that requires the approval of the City Council; and
- ~~dc)~~ To hear and decide appeals of any decision made final by the Planning Commission ~~or by a Hearing Examiner.~~

Section 2 Subsection 547.11 of the Richfield City Code is amended to read as follows:

547.11. Variances.

Subdivision 1. Limitations. The following limitations apply to variances:

- a) A variance may be granted from the literal provisions of this code only when all of the following criteria are found to exist:
 - i. The applicant establishes that there are practical difficulties in complying with the official control. "Practical difficulties," as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by an official control. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems;
 - ii. Unusual or unique circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and such circumstances were not created by any persons presently having an interest in the property;
 - iii. The variance, if granted, would not alter the character of the neighborhood. The completed project would not impair an adequate supply of light and air to adjacent properties, or substantially increase the congestion of public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish property values, or have a detrimental or injurious impact on surrounding properties; and
 - iv. The variance requested is the minimum variance that would alleviate the practical difficulty.

- v. The variance requested will not alter the essential character of the locality.
 - vi. The variance requested is in harmony with the general purpose and intent of the ordinance and consistent with the comprehensive plan.
- b) Variances may not be granted for uses that are not allowed in the zoning district where the subject property is located.
 - c) Conditions may be imposed in the granting of variances. Such conditions must be directly related to and must bear a rough proportionality to the impact created by the variances.

Subd. 2. ~~Committee of Hearing Examiners~~ Planning Commission. ~~The Committee of Hearing Examiners is a special committee of the Board of Adjustments and Appeals, and shall be administered by the Director. The specific duties of this Committee are to~~ Planning Commission shall hear and decide requests for variances from the literal provisions of this code. This Committee of at least two (2) Examiners is appointed by the City Manager for a term of two (2) years subject to confirmation by the Council. During the term of appointment members serve at the pleasure of the City Manager.

Subd. 3. *Application*. Application for a variance shall be made to the Director on forms provided by the City. Applications shall not be considered complete until an Administrative Review Committee (ARC) meeting is held between the applicant and staff, or the Director determines that such a meeting is not necessary. Applications must be submitted for the ARC meeting at least 28 days before the scheduled hearing to be considered for the agenda. Applications must be *complete* at least 14 days before the scheduled variance hearing to be placed on the agenda.

Subd. 4. *Public hearing*. Upon receipt of a completed application, the Director shall assign the application to one Hearing Examiner and a date shall be set for a public hearing before the Hearing Examiner Planning Commission. ~~If the variance requires some other approval by the City Council in conjunction with another planning and zoning application, the Director shall assign the application to the Board of Adjustment and Appeals for consideration in conjunction with the other request(s) and a date shall be set for a public hearing before the Board. Not less than ten (10) days prior to the public hearing, notice shall be published once in the official newspaper and sent by mail to all the owners of property located wholly or partially within 350 feet of the subject property. If a variance is part of another land use application, including, but not limited to, a conditional use permit, site plans approval or rezoning, the Planning Commission shall hold the public hearing and make a recommendation to the City Council, acting as the Board of Adjustments and Appeals. The City Council would then take official action on all of the applications, including the variance.~~

Subd. 5. *Staff report*. ~~The Director shall provide a written report to the Hearing Examiner or the Board outlining the proposal and enumerating the various reasons for a recommendation to either approve or deny the variance request. The written report shall be filed with the Hearing Examiner or the Board at least 72 hours prior to the date of the hearing. Copies of the report shall be made available to the applicant, and shall be furnished to others upon request.~~

Subd. 65. *Powers of Hearing Examiner* Planning Commission and the Board. ~~A Hearing Examiner~~ The Planning Commission or the Board may call witnesses, subpoena relevant reports, and accept any evidence and

testimony, which in the judgment of the ~~Hearing Examiner~~ Planning Commission or the Board is relevant to the issues being heard. Those in attendance at the public hearing shall have the right to present testimony and evidence. The ~~Hearing Examiner~~ Planning Commission or the Board may impose limitations on the number of witnesses and on the nature and length of testimony.

Subd. 7. ~~Recordkeeping.~~ ~~A tape recording shall be made of the hearing. The tape will be transcribed on request of the Board. The tape will also be transcribed at the request of any person upon the payment of all costs of transcription. Written minutes shall also be taken at the public hearing.~~

Subd. 86. ~~Decision.~~ Within the time period required by state law, the ~~Hearing Examiner~~ Planning Commission or Board shall render a written decision regarding the application. The decision shall be supported by findings specifically related to the applicable criteria contained in this code. The decision shall be mailed to all parties of record and filed with the City Clerk. The ~~Hearing Examiner's~~ Planning Commission's decision shall be final, subject to appeal to the Board. A decision of the Board shall be final. The ~~Hearing Examiner~~ Planning Commission or the Board may impose conditions in granting variances to implement the intent of this code and to protect adjacent properties.

Subd. 7. ~~Recording of Variance.~~ If approved, a certified copy of the variance decision shall be filed by the applicant with the Hennepin County Recorder or Registrar of Titles.

Subd. 98. ~~Appeals.~~ Any person aggrieved by the decision of the ~~Hearing Examiner~~ Planning Commission may appeal such decision if a written notice of appeal and the fee set by Appendix D of the City Code is submitted to the Director within ten (10) days of the date of the decision. The notice of appeal shall be addressed to the attention of the Board of Adjustments and Appeals care of the Director. A decision of the Board is subject to judicial review as provided by law.

Subd. 409. ~~Rehearing.~~ Any applicant may within seven (7) days of the date of filing of the ~~Hearing Examiner~~ Planning Commission's or the Board's decision, apply for a rehearing of a variance request denied by the ~~Hearing Examiner~~ Planning Commission or the Board if significant new factual evidence relevant to the case not available to the applicant in the original hearing can be presented. The request for a rehearing shall be made to the Board of Adjustments and Appeals care of the Director, and shall state the nature of the new evidence and why it was not previously available. If an application for rehearing is timely made, the time to appeal will be extended until the decision on granting or denying a rehearing is made. If a rehearing is allowed, the ~~Hearing Examiner~~ Planning Commission or the Board's decision shall be withdrawn. Application for rehearing shall be considered a new application and the Planning Commission or Board shall issue a decision within the timeframe required by Minnesota Statutes Section 15.99.

Subd. 4410. (Repealed, Bill No. 1999-3)

Subd. 4211. ~~Expiration of variance.~~ Any variance granted shall expire one (1) year after it has been granted unless:

- a) The project for which the variance was granted is completed within the one-year period; or
- b) Building permits have been issued and substantial work performed; or
- c) Upon written request of the person or corporation holding the variance, the Council extends the expiration date for an additional period.

Subd. 4312. *Term of variance.* If the project is completed as approved, the variance shall run with the land and remain in effect for so long as the conditions regulating it are observed.

Subd. 4413. *Assumed risk.* Any applicant who obtains a building permit starts construction and/or begins a use prior to the expiration of the appeal period, assumes the risk that the decision may be reversed upon appeal. When an appeal is received by the City, the applicant will be notified of the appeal and informed as to the date of the Board meeting where it will be heard.

Subd. 4514. *Specific project.* A variance shall be valid only for the project for which it was granted. Construction of any project shall be in substantial compliance with the building plans and specifications reviewed and approved by the ~~Hearing Examiner~~ Planning Commission or Board.

Subd. 4615. *Violations.* Any person who violates, fails to comply with, assists, directs, or permits a violation of the conditions of a variance shall be subject to the provisions outlined in Sections 115 and 320 of the City Code. Such violation may render the variance null and void.

Subd. 4716. *Fee.* The fee for a variance is set by Appendix D of the City Code. In the case of a request that requires both a variance approval and some other approval by the City Council in conjunction with another planning and zoning application, no additional fee shall be required.

~~**Subd. 18.** *Annual Report.* The committee of Hearing Examiners shall annually prepare a report for the Council and Planning Commission outlining the activities of the Hearing Examiners and the Board and making recommendations as to possible amendments to this code to expedite the processing of variances to the literal provisions of this code.~~

Section 3

This Ordinance is effective January 1, 2015 in accordance with Section 3.09 of the Richfield City Charter.

Passed by the City Council of the City of Richfield, Minnesota this 9th day of September, 2014.

Debbie Goettel, Mayor

ATTEST:

Nancy Gibbs, City Clerk

RESOLUTION NO. _____

**RESOLUTION APPROVING SUMMARY PUBLICATION OF AN ORDINANCE
AMENDING APPENDIX B (ZONING) OF THE RICHFIELD CITY CODE**

WHEREAS, the City has adopted the above referenced amendment to the Richfield City Code; and

WHEREAS, the verbatim text of the amendments is cumbersome, and the expense of publication of the complete text is not justified; and

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Richfield that the following summary is hereby approved for official publication:

**SUMMARY PUBLICATION
BILL NO. 2014-____**

**AN ORDINANCE RELATED TO ZONING;
AMENDING SUBSECTIONS 547.05, SUBDIVISION 4;
AND SUBSECTION 547.11
RELATED TO THE CONSIDERATION OF VARIANCES**

This summary of the ordinance is published pursuant to Section 3.12 of the Richfield City Charter.

Current Code regulations require that stand-alone variance requests (variances that are not part of another land use application) be considered by an appointed Committee of Hearing Examiners. This Ordinance eliminates the Committee of Hearing Examiners (effective January 1, 2015) and gives the Planning Commission the authority to approve and deny variance requests.

Copies of the ordinance are available for public inspection in the City Clerk's office during normal business hours or upon request by calling the Department of Community Development at (612) 861-9760.

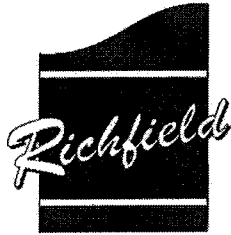
/s/
Nancy Gibbs, City Clerk

Adopted by the City Council of the City of Richfield, Minnesota this 9th day of September, 2014.

Debbie Goettel, Mayor

ATTEST:

Nancy Gibbs, City Clerk



STAFF REPORT
CITY COUNCIL MEETING
SEPTEMBER 9, 2014

REPORT PREPARED BY:

MELISSA POEHLMAN, CITY PLANNER

NAME, TITLE

DEPARTMENT DIRECTOR REVIEW:



A handwritten signature in black ink, appearing to be "J. A.", written over a horizontal line.

SIGNATURE

OTHER DEPARTMENT REVIEW:



A handwritten signature in black ink, appearing to be "J. A.", written over a horizontal line.

SIGNATURE

REVIEWED BY CITY MANAGER:



A large, handwritten signature in black ink, appearing to be "Steven J. Dorch", written over a horizontal line.

ITEM FOR COUNCIL CONSIDERATION:

Consideration of a revised resolution for land use approvals at 6736 Penn Avenue. The revised resolution approves a Conditional Use Permit and front setback variance, in addition to now approving a variance for a reduced parking requirement.

I. RECOMMENDED ACTION:

By Motion: Approve the attached resolution granting a Conditional Use Permit and Variances for a 22.6-foot front building setback and a 6-stall parking requirement reduction in order to allow a building addition at 6736 Penn Avenue.

II. EXECUTIVE SUMMARY

On August 26, 2014 the City Council approved requests for a Conditional Use Permit (CUP) and variances related to the front building setback and parking at 6736 Penn Avenue (Fireside Pizza). The resolution contained in the August 26th staff report was based on a recommendation to deny the requested parking variance and instead pursue an ordinance change related to parking throughout the Penn Avenue Corridor. In order to legally grant a variance, a resolution with explicit findings demonstrating that the requested variance meets all specified criteria must be approved. The attached resolution has been revised for City Council review and approval.

The findings in the attached resolution have been based on staff understanding of the Council's intent in this matter. The resolution finds a variance for parking is reasonable in order to allow an expansion that will include bringing the existing building into compliance with ADA, Fire and other current Code standards. The findings state that this area of the community is unique within the City and that current parking standards are unrealistic and should be modified in the near future. Further, the resolution concludes that the requested parking variance will not alter the character of the neighborhood because area residents have come to expect some spill-over parking from commercial businesses. Finally, the resolution forecasts an overall policy change that will reduce parking requirements in this area by a magnitude that would make the property compliant, and therefore finds that the requested variance is the minimum necessary to proceed without unreasonable delay.

III. BASIS OF RECOMMENDATION

A. BACKGROUND

- This item was initially considered by the Council on August 26th along with a request for an appeal from the City's odor control requirements.
- The Council voted to approve the CUP and variances and tabled discussion of the odor control requirements to the September 9, 2014 meeting.
- Further consideration of the appeal from the City's odor control requirements will be handled as a separate action item.

B. POLICY

- Approval of a variance requires a resolution explicitly describing the Council's findings.

C. CRITICAL TIMING ISSUES

- The application for a CUP and a front setback variance was deemed complete on July 14, 2014. The Council must render a decision on the CUP and setback variance by September 12, 2014 or notify the applicant that it is extending the deadline (up to an additional 60 days).
- The application for a variance from parking requirements was received and deemed complete on July 21, 2014. The Council must render a decision on the parking variance by September 19, 2014 or notify the applicant that it is extending the deadline (up to an additional 60 days).

D. FINANCIAL

- The required application processing fees have been paid.

E. LEGAL

- The City Attorney has reviewed the attached resolution.

F. ENVIRONMENTAL CONSIDERATIONS

- None

IV. ALTERNATIVE RECOMMENDATION(S)

- Direct staff to make further changes to the attached resolution.

V. ATTACHMENTS

- Resolution

VI. PRINCIPAL PARTIES EXPECTED AT MEETING

- Rich Thompson, Fireside Pizza

RESOLUTION NO. _____

**RESOLUTION GRANTING APPROVAL
OF A CONDITIONAL USE PERMIT
AND SETBACK AND PARKING VARIANCES
FOR A BUILDING ADDITION AT
6736 PENN AVENUE**

WHEREAS, an application has been filed with the City of Richfield which requests approval of conditional use permit and variances to permit construction of a 1,074 square foot building addition to a legally nonconforming restaurant building on the parcel of land located at 6736 Penn Avenue (the "Property"), legally described as:

Lots 9 and 10, Block 16, TINGDALE BROS.' LINCOLN HILLS, Hennepin County, Minnesota;

WHEREAS, the requested conditional use permit at 6736 Penn Avenue meets the requirements necessary for issuing a conditional use permit for the expansion of a nonconforming building in the Mixed Use Districts as specified in Richfield Zoning Code Subsection 537.13, Subd. 2 or meets the requirements necessary for approval of a variance; and

WHEREAS, the requested conditional use permit at 6736 Penn Avenue meets the requirements necessary for issuing a conditional use permit for a Class I (full service) restaurant serving alcoholic beverages as specified in Richfield Zoning Code Subsection 534.07, Subd. 6 and the requirements necessary for all conditional use permits within the City as specified in Richfield Zoning Code Subsection 547.09, Subd. 6 or meets the requirements necessary for approval of a variance; and

WHEREAS, the proposed site plan includes an existing building that is situated 22.6 feet from the front property line rather than 20 feet which would allow on-street parking to count toward minimum parking standards, and 21 on-site parking stalls rather than the required 29;

WHEREAS, Minnesota Statutes Section 462.357, Subdivision 6, provides for the granting of variances to the literal provisions of the zoning regulations in instances where their enforcement would cause "practical difficulty" to the owners of the property under consideration; and

WHEREAS, the Planning Commission of the City of Richfield recommended approval of the requested conditional use permit and front building setback variance, and denial of the parking variance at 6736 Penn Avenue at its August 11, 2014 meeting; and

WHEREAS, the City has fully considered the request for approval of the conditional use permit;

WHEREAS, based on the findings below, the Richfield City Council approves the requested variances from Richfield Zoning Code Subsection 544.13, Subd. 8, Clause c(i) and Richfield Zoning Code Subsection 544.13 Subdivision 6 and 8; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Richfield, Minnesota, as follows:

1. The City Council makes the following general findings:

- a. The Property is zoned Mixed Use – Community (MU-C) and is within the Penn Avenue Corridor (PAC) Overlay District.
- b. The Zoning Code states that in order to include adjacent on-street parking toward a site's overall requirement, the principal building must be set back no more than 20 feet from the front property line. The existing building is set back 22.6 feet. A variance from Subsection 544.13, Subd.8, Clause c(i) is required.
- c. Code states that minimum required parking for a restaurant that is 3,267 square feet and in the vicinity of a frequently operating transit line is 29 spaces. The proposal calls for 21 on-site spaces and 2 street spaces (per item b). A variance from Subsection 544.13, Subdivisions 6 and 8 is required.

2. With respect to the application for variances from the above-listed requirements, the City Council makes the following findings:

- a. Strict enforcement of Richfield Zoning Code Subsection 544.13, Subd.8, Clause c(i) would cause a practical difficulty. The existing building is located 22.6 feet from the front property line. The structure was built in 1961 by a previous owner. It would be impractical and unreasonable to require the building to be moved. The location of the building and the provision of outdoor seating which meets the setback requirement are in keeping with the intent of the Code provision. Strict enforcement of Richfield Zoning Code Subsection 544.13, Subdivisions 6 and 8 would cause a practical difficulty. It is reasonable to expand, update and improve an existing structure in order to meet ADA, Fire and other current Code standards. Additionally, the Council finds that the existing parking standards in the Penn Avenue Corridor are unrealistic and in direct conflict with the property reinvestment and improvement desired.
- b. Unique circumstances affect the Property that were not created by the applicant. The building was designed such that its primary entrance faced Penn Avenue. The Zoning Code regulations of Subsection 544.13, Subd. 8, Clause c(i) were intended to encourage this type of pedestrian-friendly development and to help relieve parking woes for smaller sites. It is no fault of the applicant that the building is situated 2.6 farther back than what this provision accounts for. The City should investigate setbacks in this area to insure that the regulation is having the desired effect. The circumstances related to the need for additional parking (Subsection 544.13, Subdivision 6 and 8) are unique to a few commercial areas within the City. Half-block depths make it difficult for most businesses to provide parking at current ratios. The Council will also pursue a more permanent fix to this through revised ordinances.
- c. Granting the requested variances will not alter the character of the neighborhood. The requested variance from Subsection 544.13, Subd. 8, Clause c(i) will not alter the character of the neighborhood as the use of these parking spaces by restaurant patrons is already frequently occurring and encouraged. The requested reduction to on-site parking spaces will not alter the character of the neighborhood as area residents have come to expect some spill-over parking from commercial businesses.
- d. The variances requested are the minimum necessary to alleviate the practical difficulty. The proposed front setback variance is the minimum necessary to allow the on-street parking in front of this building to be utilized and counted as intended. The issue related to the number of overall available parking stalls is one that shall be addressed by the Council through a future ordinance change. This property will be in compliance once the ordinance is passed, therefore it is the minimum necessary to allow the applicant to proceed without unreasonable delay.

3. Based on the above findings, a variance is hereby approved to permit the inclusion of two on-street parking stalls adjacent to a building that is set back 22.6 feet from the property line toward overall site requirements.

4. Based on the above findings, a variance is hereby approved to reduce on-site parking to 21 spaces in conjunction with a 1,074 square foot building addition.
5. A conditional use permit is issued to allow construction of a 1,074 square foot building addition, as described in City Council Letter No. _____, on the Subject Property legally described above.
6. This conditional use permit is subject to the following conditions in addition to those specified in Subsections 537.13, Subd. 2 and 547.09, Subd.6 of the City's Zoning Ordinance:
 - That the recipient of this conditional use permit record this Resolution with the County, pursuant to Minnesota Statutes Section 462.36, Subd. 1 and the City's Zoning Ordinance Section 547.09, Subd. 8.
 - A recorded copy of the approved resolution must be submitted to the City prior to the issuance of a building permit.
 - Parking stalls must be available year-round. No snow or other storage is permitted in required parking stalls.
 - An odor control system is required unless deemed unnecessary by the City Council. If required, a building permit will not be issued until system details and screening plans have been submitted and approved.
 - A screening plan for all new mechanical and utilitarian items is required prior to the issuance of a building permit.
 - The property owner is responsible for continual maintenance of all required and approved landscaping.
 - The applicant is responsible for obtaining all required permits, compliance with all requirements detailed in the City's Administrative Review Committee Report dated July 10, 2014, and compliance with all other City and State regulations.
 - Separate sign permits are required.
 - All new utility service must be underground.
 - Prior to the issuance of an occupancy permit the applicant must submit a surety equal to 125% of the value of any improvements and/or requirements not yet complete. This surety shall be provided in the manner specified by the Zoning Code.
7. This conditional use permit and variances shall expire one year after approval unless 1) the use for which the permit was granted has commenced; or 2) Building permits have been issued and substantial work performed; or 3) Upon written request of the applicant, the Council extends the expiration date for an additional period not to exceed one year. Expiration is governed by the City Zoning Ordinance, Section 547.09, Subdivision 9.
8. This conditional use permit shall remain in effect for so long as conditions regulating it are observed, and the conditional use permit shall expire if normal operation of the use has been discontinued for 12 or more months, as required by the City's Zoning Ordinance, Section 547.09, Subd. 10.

Adopted by the City Council of the City of Richfield, Minnesota this 9th day of September, 2014.

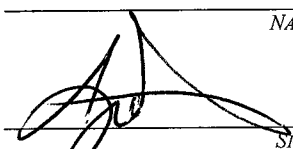

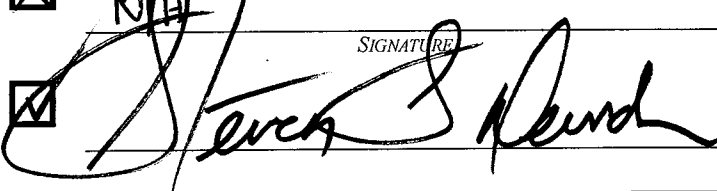
Debbie Goettel, Mayor

ATTEST:

Nancy Gibbs, City Clerk



STAFF REPORT
CITY COUNCIL MEETING
SEPTEMBER 9, 2014

REPORT PREPARED BY:	JOHN STARK, COMMUNITY DEVELOPMENT DIRECTOR
	<small>NAME, TITLE</small>
DEPARTMENT DIRECTOR REVIEW:	<input checked="" type="checkbox"/> 
	<small>SIGNATURE</small>
OTHER DEPARTMENT REVIEW:	<input checked="" type="checkbox"/> 
	<small>SIGNATURE</small>
REVIEWED BY CITY MANAGER:	<input checked="" type="checkbox"/> 

ITEM FOR COUNCIL CONSIDERATION:
Consideration of a process to amend the Zoning Ordinance as it pertains to the regulation of Odor Emissions.

I. RECOMMENDED ACTION:
By Motion: Direct Staff to Initiate a Zoning Ordinance Amendment pertaining to the regulation of Odor Emissions.

II. EXECUTIVE SUMMARY

The Zoning Ordinance currently contains fairly minimal language pertaining to the emission of odors. This is addressed in Section 544.27 as follows:

Environmental Effects. No activity or operation shall be established or maintained that by reason of its nature or manner of operation will cause the emission of noise, odor, toxic or noxious fumes, smoke, dust or particulate matter in such concentrations as to be detrimental to or endanger the public health, welfare, comfort or safety, or cause injury to property or business.

Since the fall of 1986 it has been the practice of City staff to interpret this language to imply that emissions from a commercial kitchen with a Type I Ventilation Hood (if required by the Minnesota Building Code) would emit odors to a degree that would be detrimental to the public comfort of adjacent residential properties. As such,

restaurants emitting such odors would either be prohibited or would require some form of mechanical or chemical odor control device. Discussions with former City employees have indicated that this interpretation was based on City Council direction resulting from vocal public objection to the impacts of odor caused by Champps Restaurant.

Recent restaurants that have installed complying odor control devices include: Pizza Luce, Mi Ama, Andale, Lyn65, El Tejeban and, most recently, MyBurger (required as a condition of approval). In the case of Lakewinds Co-Op, the adjacent residential is planned but not yet constructed. In this circumstance, staff required Lakewinds to design an odor control system and to ensure that their building could accommodate that system in the future if there are complaints from future residential neighbors.

The City Attorney has advised that an abrupt change in the way staff administers the Code as it pertains to odors, without a formal change in policy could lead former applicants to the conclusion that the Ordinance is being applied in an arbitrary and capricious manner.

There is agreement amongst staff, the City Council and the business community (via the Chamber of Commerce) that the language in the current Zoning Ordinance lacks the specificity for property owners to understand expectations and for staff to properly enforce it in accordance with public will. Staff is recommending, therefore, a Zoning Ordinance Amendment pertaining to odor control.

The City Code outlines a process for changes to the Zoning Ordinance. Based on that required process, staff is recommending the following actions:

- September 9th: the City Council directs staff to initiate the process and gives general guidance regarding the wording of the proposed amendment;
- October 27th: The Planning Commission holds a Public Hearing to consider the proposed amendment;
- November 10th or 12th: the City Council conducts a First Reading of the proposed amendment, and;
- November 25th: the City Council considers the proposed amendment.

Based on past experiences in administering odor control requirements, past reaction from businesses and residents and recent discussions with the City Council, staff is suggesting that odor control be addressed separately in the Zoning Ordinance as follows:

Commercial Kitchen Odor Control: All properties that contain cooking apparatus which necessitates the installation of a Type I Ventilation Hood and which abut (or are located within 150 feet even if not abutting) of residential and/or residentially zoned property shall mitigate or otherwise address the impact of odors as follows:

New Restaurant Sites abutting or adjacent to existing residential and/or residentially zoned properties shall install professionally designed odor control remedies;

New Restaurant Sites abutting or adjacent to future residential development (either as a result of the Comprehensive Plan or an approved development plan)

OR;

Pre-Existing Restaurant Sites which are intensifying cooking equipment and/or odor emissions, abutting or adjacent to existing residential and/or residentially zoned property shall:

Provide plans for a professionally designed odor control remedy and a statement by a structural engineer that the building design could accommodate the planned odor control in the future. Subsequent complaints of odor impacts may result in the requirement that the planned odor control device be installed.

Administrative Exemptions: The Community Development Director shall have the authority to exempt uses from meeting the Odor Control requirements with a written finding that any of the following apply:

- A. The proposed commercial kitchen is for an institutional (or similar) use that will have limited hours of operation and/or minimal usage;**
- B. It would be impossible or highly impractical (based on the information provided by a structural engineer or similar professional) for the structure of an existing (or improved as proposed) building to accommodate an odor control device and the impact of the proposed changes are not expected to be detrimental to the public health, safety, welfare or comfort.**

The rationale for treating pre-existing restaurants or new restaurants adjacent to future residential development differently is because occupants in such situations were aware of the existence, and potential impacts, of the restaurant site in question before they decided to purchase or rent their home.

III. BASIS OF RECOMMENDATION

A. BACKGROUND

- City Staff, the City Council and the Business Community (as represented by the Chamber of Commerce) all agree that the exiting language in the Zoning Ordinance regarding odor control is inadequate and imprecise.
- There have been two appeals related to odor control submitted to the City Council within the past two months.

B. POLICY

- At its August 26 meeting, the City Council instructed staff to initiate a Zoning Ordinance Amendment as it relates to odor control;
- The City Code requires any amendment to the Zoning Ordinance to go before a Public Hearing of the Planning Commission (which requires published legal notice) and a First and Second Reading by the City Council.

C. CRITICAL TIMING ISSUES

- The City Council may grant an appeal to a pending appeal applicant prior to the actual change in the Zoning Ordinance at its discretion as long as there are reasonable rationale.

D. FINANCIAL

- N/A

E. LEGAL

- The City Attorney has reviewed this staff report and the suggested Zoning Ordinance Revision contained herein.

F. ENVIRONMENTAL CONSIDERATIONS

- Odor control measures typically reduce particulate pollutants.

IV. ALTERNATIVE RECOMMENDATION(S)

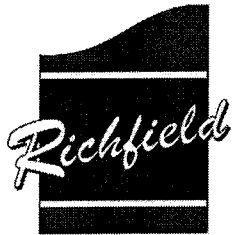
- Direct staff to make changes to the proposed Zoning Ordinance Amendment prior to consideration before a Public Hearing of the Planning Commission.

V. ATTACHMENTS

- None.

VI. PRINCIPAL PARTIES EXPECTED AT MEETING

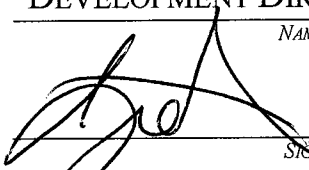
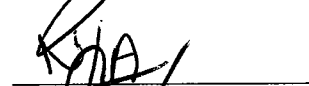
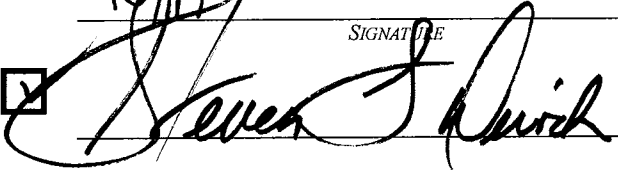
- Chamber of Commerce President, Angie Schaeffbauer;



STAFF REPORT

CITY COUNCIL MEETING

SEPTEMBER 9, 2014

REPORT PREPARED BY:	JOHN STARK, COMMUNITY DEVELOPMENT DIRECTOR
	<small>NAME, TITLE</small>
DEPARTMENT DIRECTOR REVIEW:	<input checked="" type="checkbox"/> 
	<small>SIGNATURE</small>
OTHER DEPARTMENT REVIEW:	<input checked="" type="checkbox"/> 
	<small>SIGNATURE</small>
REVIEWED BY CITY MANAGER:	<input checked="" type="checkbox"/> 
	<small>SIGNATURE</small>

ITEM FOR COUNCIL CONSIDERATION:

Consideration of an appeal of the Community Development Director's determination that odor control would be required for additional commercial cooking devices at 6736 Penn Avenue.

I. RECOMMENDED ACTION:

By Motion: Approve the attached resolution granting an appeal of odor control requirements for 6736 Penn Avenue.

II. EXECUTIVE SUMMARY

At the August 26, 2014 meeting the City Council considered an odor control appeal for Fireside Pizza at 6736 Penn Avenue. After a lengthy discussion of this appeal, the Council adopted a motion to continue the item until the September 9, 2014 meeting so that staff would have the opportunity to reconsider the overall odor control policy and its application to this particular property based on the content of that discussion.

Since that time, staff has recommended a revision to the way odor control is addressed in the Zoning Ordinance. If the City Council is significantly in agreement with the suggested changes, then the proposed amendment language would provide some rationale for lessening the odor control requirements for Fireside Pizza.

Based on staff's recommendation for the overall odor control policy, staff is suggesting that the applicant in this case (Fireside Pizza) be required to either:

- 1) Provide plans for a professionally designed odor control remedy and a statement by a structural engineer that the building design could accommodate the planned odor control in the future. Furthermore, the applicant should understand that future complaints of odor impacts may result in the requirement that the planned odor control device be installed.

Or;

- 2) Provide a letter from a structural engineer or architect attesting that it would be impossible or highly impractical for the building (as proposed) to accommodate an odor control device.

In either case, staff would like the City Council to state its desire for the applicant to continue looking for other potential solutions to reduce the potential impact of odor.

III. BASIS OF RECOMMENDATION

A. BACKGROUND

- The Zoning Code requires mitigation of environmental effects, including odors that will be detrimental to the comfort of surrounding properties.
- Past City practice has been to require that restaurants and food preparation facilities which use intensive cooking equipment (such as deep-fat fryers, baking ovens, grills and ranges) and are adjacent to residential uses install odor control devices.
- The Applicant filed an appeal of the Odor Control requirements on August 4, 2014.
- This appeal was previously heard at the August 26, 2014 City Council meeting.

B. POLICY

- At the August 26, 2014 meeting the City Council discussed the overall odor control policy and its administration and enforcement. As a result of this discussion, staff was directed to consider a revised odor control policy.
- The consideration of the Odor Control appeal for 6736 Penn Avenue was continued (by a 3-2 vote) until the September 9, 2014 meeting.

C. CRITICAL TIMING ISSUES

- Under ideal circumstances, a variation from the existing policy would be delayed until a new policy was formally approved. The applicant's construction plans, however, may not allow enough time for this to occur.

- In accordance with State Statutes, the City must formally act on the appeal within 60 days (October 3, 2014) or inform the applicant that a 60 day extension (until December 2, 2014) is warranted.

D. FINANCIAL

- N/A

E. LEGAL

- The City Attorney has reviewed this staff report and agrees that the Council would be legally entitled to approve the alternative way of applying the odor control requirements in response to the appeal.

F. ENVIRONMENTAL CONSIDERATIONS

- N/A

IV. ALTERNATIVE RECOMMENDATION(S)

- Do not grant an appeal to the odor control requirements;
- Grant an appeal to the odor control requirements with different stipulations;
- Grant an appeal without any stipulations and provide a rationale for doing so;
- Continue action on the appeal until a later meeting to allow time for the Planning Commission to hold its Public Hearing on the proposed amendment.

V. ATTACHMENTS

- Resolution
- Odor Control appeal letter from Rich Thompson.

VI. PRINCIPAL PARTIES EXPECTED AT MEETING

- The applicant (Rich Thompson) was provided access to the staff report and may be in attendance.

RESOLUTION NO. _____

**RESOLUTION APPROVING AN
APPEAL OF
ODOR CONTROL REQUIREMENTS
FOR
6736 PENN AVENUE**

WHEREAS, an application has been filed with the City of Richfield which requests approval of an appeal of a decision of the Community Development Director to require installation of an odor suppression system for an existing restaurant that has proposed to expand and intensify food preparation practices and which is located adjacent to residential property. The existing restaurant is located on the parcel of land addressed as 6736 Penn Avenue (the "Property"), legally described as:

Lots 9 and 10, Block 16, TINGDALE BROS.' LINCOLN HILLS, Hennepin County, Minnesota;

WHEREAS, the City Council, acting as the Board of Adjustments and Appeals, has the authority to hear and decide appeals where it is alleged that there has been an error in a decision or determination made by the Director in the interpretation or enforcement of the Zoning Code; and

WHEREAS, the City has begun the process to amend Code regulations related to the application of odor control regulations and expects to adopt a revised ordinance by the end of the year; and

WHEREAS, the anticipated ordinance shall require that pre-existing restaurants which are intensifying cooking equipment and abut residential property either 1) provide plans for a professionally designed odor control remedy and a statement by a structural engineer that the building design could accommodate said remedy; OR 2) submit a letter from a structural engineer or similar professional that it would be impossible or highly impractical for the structure to accommodate an odor control system; and

WHEREAS, approval of the second option would be based on a finding that the anticipated impact of the proposed changes would not be detrimental to the public health, safety, welfare or comfort; and

WHEREAS, the City finds that it is reasonable to act on this appeal pending the future ordinance amendments; and

WHEREAS, the Board of Adjustments and Appeals may require any evidence and guarantees it deems necessary to ensure compliance with any conditions related to the granting of the appeal; and

WHEREAS, a public hearing was held on August 26, 2014; and

WHEREAS, the City has fully considered the request for approval of an appeal of the Community Development Director's application of odor control requirements; and

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Richfield as follows:

1. The City Council, acting as the Board of Adjustments and Appeals, adopts as its Findings of Fact the WHEREAS clauses set forth above.
2. An appeal of odor control requirements is approved in conjunction with the Conditional Use Permit and Variance applications described in City Council Report No.____, on the Property legally described above.
3. The approved appeal is subject to the following conditions:
 - a. The applicant must either 1) Provide plans for a professionally designed odor control remedy and a statement by a structural engineer that the building design could accommodate the planned odor control remedy in the future; OR 2) Provide a letter from a structural engineer or similar professional attesting that it would be impossible or highly impractical for the building (as proposed) to accommodate an odor control device.
 - b. Should complaints related to odors arise, the applicant may be required to install a professionally designed odor control system.
 - c. The applicant must address odor control through either Option 1 or 2 above prior to the issuance of a building permit.
 - d. A recorded copy of the approved resolution must be submitted to the City prior to the issuance of a building permit.

Adopted by the City Council of the City of Richfield, Minnesota this 9th day of September, 2014.

Debbie Goettel, Mayor

ATTEST:

Nancy Gibbs, City Clerk



City of Richfield
Planning and Zoning Division
6700 Portland Avenue
Richfield, Minnesota 55423

To Whom It May Concern:

I am Rich Thompson, owner of Fireside Pizza located at 6736 Penn Avenue South in Richfield. I have owned this restaurant since 1996. I am writing this letter as an appeal to the administrative decision to require odor control for the kitchen exhaust.

Being a resident and business owner in Richfield, I am committed to seeing that development in the City is done in a responsible manner, and improves the health, safety, and welfare of its residents. This, plus the fact that Fireside Pizza is an icon in Richfield, has compelled me to invest a lot of time, effort, and financial resources into a complete renovation of Fireside Pizza. This renovation will make Fireside Pizza a venue that Richfield can be proud of.

Currently, I do not have a scrubber system installed, and right now the odor produced from my kitchen is really not an issue, as evidenced by the fact that since I have owned the restaurant, not once has any one stepped forward to complain about odors. In fact, people have commented on how nice it is having the aroma of pizza.

From what I have heard, ordinances like this were originally developed for high density urban areas. Those requirements being such that restaurants in lower portions of high rise buildings would have scrubbers installed in order to not disturb tenants above. The location of Fireside Pizza is in a low to moderate density area that is primarily commercial; therefore, I feel has little impact on surrounding neighbors.

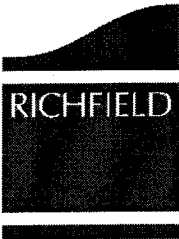
This ordinance is also overly stringent, as I have been told that this is the only major suburb that has this kind of ordinance.

To add scrubbers will be quite expensive - both in the upfront material & labor costs, which are estimated at more than \$40,000.00, as well as the maintenance cost. Additionally, from what I understand, this system is not an absolute fix, and is very sensitive such that if it gets "out of whack" in any way it will be rendered useless.

Finally, I would like to point out that none of the other businesses nearby have scrubbers, and they are not creating a problem.

Sincerely,

Rich Thompson, Owner
Fireside Pizza
6736 Penn Avenue South
Richfield, Minnesota 55423



AGENDA SECTION: OTHER BUS.
AGENDA ITEM # 13
REPORT # 158

STAFF REPORT

CITY COUNCIL MEETING

SEPTEMBER 9, 2014

REPORT PREPARED BY:

JIM TOPITZHOFFER, RECREATION
SERVICES DIRECTOR

NAME, TITLE

DEPARTMENT DIRECTOR REVIEW:



Jim Topitzhofer
SIGNATURE

OTHER DEPARTMENT REVIEW:



N/A
SIGNATURE

REVIEWED BY CITY MANAGER:



Steven S. David
SIGNATURE

ITEM FOR COUNCIL CONSIDERATION:

Consideration of the attached rental agreement between the City of Richfield and the Minnesota Magicians for use of the newly constructed locker room.

I. RECOMMENDED ACTION:

By Motion: Approve the attached rental agreement between the City of Richfield and the Minnesota Magicians for the use of the newly constructed locker room.

II. EXECUTIVE SUMMARY

The Richfield Ice Arena has become the home of Minnesota's newest Tier 2 Junior Hockey Team, the Minnesota Magicians. To accommodate the team, the City has constructed an additional locker room to Rink 1. The new 1,900-square foot locker room is now complete and ready for the team to rent. Highlights of the attached rental agreement include:

- Base rent - \$4,155 per month.
- Term – The term of the Rental Agreement shall commence on September 1, 2014, shall consist of three (3) five-year intervals and shall terminate on August 31, 2029. Either party may terminate the Agreement at the end of each five-year interval upon giving a written 90-day notice to the other party.
- Ice Time – The Team will receive up to 200 non-prime hours for practices free of charge and up to 120 free ice hours for games each year.

- Beer & Wine Sales - The Team will receive all proceeds from the sale of strong beer and wine during games in Rink One.
- Concession – the City will receive all proceeds from the sale of concessions in the lobby area during Magician games.
- Incentive Program - As an incentive program each year between April 1 and September 31, the Magicians will have the opportunity to reduce their monthly base rent payment (s) by securing new ice programs and/or events that produce new additional ice rental sales for the Richfield Ice Arena during identified non-prime hours. The Magicians will receive a rebate equal to 20% of the purchase of ice rental for programs and events conducted by the Magicians. The Magicians will be eligible to earn a rebate up to but not to exceed \$9,000 annually, to be applied to the monthly base rent payment (s) on the months of January and July.
- The Magicians will hold all advertising rights in Rink 1 and Rink 2 that includes the dasher boards, player benches, seating sections, nets, Zamboni, scoreboard, and Rink 1 restrooms.
- The City will hold sole advertising rights in the Lobby area.

III. BASIS OF RECOMMENDATION

A. HISTORICAL CONTEXT

- At a study session on April 18, 2013, staff presented a proposal to construct a number of building improvements at the Ice Arena including the construction of a dedicated locker room, training area, lobby expansion and exhibit area/classrooms to accommodate the new team and larger crowds,. Cost estimates for all these improvements were initially estimated at about \$1,961,960 not including parking lot expansion and related storm water retention that would be triggered by building code due to the magnitude of the amount of improvements made to the Arena. When adding the cost of parking lot and storm water retention improvements it was later concluded that the cost to fund these improvements over a fifteen year bond term would far exceed the amount of anticipated additional revenue the new improvements would help generate to pay the annual bond payments. As a result, the proposal to proceed with lobby and classroom expansion was abandoned. A training facility is currently being discussed with potential vendors to take place in the vacant area formerly occupied by Hat Trick Hockey.
- City Council approved a contract with Derau Construction Company on November 12, 2013 in the amount of \$510,900 to only construct an attached locker room to Rink 1. This contract did not include architectural design costs or contingency.
- The estimated final cost of the new locker room is \$625,478 including design cost and contingency.
- The Minnesota Magicians played their first home game on September 19, 2013. An ordinance amendment was approved by Council on August 28, 2013 to temporarily allow a properly licensed food establishment to sell 3.2 percent malt liquor beverages at the Richfield Arena for the remainder of the Magician's first season.

- State Representative Linda Slocum and Senator Melissa Wicklund sponsored and introduced a bill for special legislation to sell strong beer and wine at the Richfield Arena. The Minnesota State Legislature enacted this bill earlier this year.

B. POLICY

- The City Council considers and executes these types of agreements for the City.

C. CRITICAL TIMING ISSUES

- The Minnesota Magicians will begin its next season on September 1, 2014 and will be in need of the new locker room then.

D. FINANCIAL

- Funding for the locker room project will come from an internal loan in the amount of \$625,478. Base rent collected from the Minnesota Magicians in the amount of \$49,860 per year will be the funding source to pay back the locker room internal loan over a fifteen year period.
- In the event that the rental agreement is terminated by either party after five years, a new renter will be sought, such as the Minnesota Figure Skating Club or other interested parties.

E. LEGAL

- The City Attorney reviewed and prepared revisions to the agreement.

F. ENVIRONMENTAL CONSIDERATIONS

- There are no known environmental impacts regarding the attached rental agreement.

IV. ALTERNATIVE RECOMMENDATION(S)

- Reject the agreement and renegotiate with the Minnesota Magicians.

V. ATTACHMENTS

- Rental Agreement between the City of Richfield and the Minnesota Magicians.

VI. PRINCIPAL PARTIES EXPECTED AT MEETING

- Scott Meyer, Co-Owner, Minnesota Magicians.

RENTAL AGREEMENT

This rental agreement is made this 9th day of September, 2014, by and between THE CITY OF RICHFIELD ("Landlord") and the Minnesota Junior Hockey Group d.b.a. Minnesota Magicians and affiliated Exceed Hockey, Inc. ("Tenant").

Landlord and Tenant, intending to be legally bound, hereby covenant and agree as follow:

ARTICLE I.

Rented Premises

1.1 Landlord does hereby rent demise, and let unto Tenant, and Tenant does hereby hire and take from Landlord, upon the terms and conditions set forth herein (the Rental Agreement), the premises shown cross-hatched on Exhibit A attached hereto and incorporated herein, consisting of 2,000 square feet of locker room space (Rented Premises), located on the level of the Richfield Ice Arena Building located at 636 East 66th Street situated in the City of Richfield, Hennepin County, Minnesota (the "Building").

ARTICLE II.

Term

2.1. The term of the Rental Agreement shall commence on September 1, 2014 (the Commencement Date), shall consist of three (3) five-year intervals. and shall terminate on August 31, 2029. Either party may terminate the Agreement at the end of each five-year interval upon giving a written 90-day notice to the other party. Unless notice to terminate is given, the Agreement will automatically for the next five-year interval.

2.2. If, at the termination of this Rental Agreement for reasons other than default or breach by Tenant, Landlord decides to rent the Rented Premises to a third party, Tenant shall have the right, for a period of one year after the termination date, to match or exceed any proposed and/or actual Rental Agreement for the Rented Premises which is acceptable to the Landlord, and if the Tenant elects in writing within 15 days of the date of receipt of the proposed and/or actual Rental Agreement, then the parties hereto shall execute such a rental agreement.

ARTICLE III.

Rent

3.1 Tenant shall pay to Landlord as the "Base Rent" monthly rent in the amount of \$4,166.00 per month. Said Base Rent shall be payable in advance, on or before the first (1st) day of each and every month, commencing on the Commencement Date, and continuing during the Term.

3.2 As an incentive program each year between April 1 and September 31, Landlord will provide Tenant the opportunity to reduce their monthly base rent payment (s) by securing new ice programs and/or events that produce new additional ice rental sales for the Richfield Ice Arena during identified non-prime hours, as defined in 5.3. Tenant will receive a rebate equal to 20% of the purchase of ice rental paid by the Tenant, for programs and events conducted by the Tenant. Tenant will be eligible to earn a rebate up to but not to exceed \$9,000 annually, to be applied to the monthly base rent payment (s) on the months of January and July.

ARTICLE IV. Nonpayment

4.1 Except as otherwise expressly provided herein, Tenant covenants and agrees that if at any time it fails to pay any amount required by the Rental Agreement, or to obtain, pay for, maintain, or deliver any of the insurance policies herein provided for, or fails to make any other payment or perform any other act required to be made or performed by the Rental Agreement, then Landlord, without notice to or demand upon Tenant, without waiving or releasing Tenant from any obligation of Tenant contained in the Rental Agreement, and without any obligation to do so, may effect any such insurance coverage and pay premiums therefor and may make any other payment or perform any other act on the part of Tenant to be made and performed as provided in the Rental Agreement, in such manner and to such extent as Landlord may deem reasonably desirable, and in exercising such right to pay necessary and incidental costs and expenses. All sums so paid by Landlord and all necessary and any such act by Landlord, together with interest thereon at the maximum rate permitted by law, whichever is less, from the date of making of such expenditure by Landlord, shall be payable to Landlord as Additional Rent, and except as otherwise provided for in the Rental Agreement, shall be payable on demand or at the option of Landlord may be added to any monthly rental then due or thereafter becoming due under the Rental Agreement. Tenant covenants to pay any such sum or sums with interest as aforesaid and Landlord shall have (in addition to any right or remedy of Landlord) the same rights and remedies in the event of nonpayment by Tenant as in the case of default by Tenant in payment of rent.

ARTICLE V.

Ice Rental, Concessions, and Alcohol Sales

5.1 As part of this agreement, Landlord will provide Tenant up to 120 hours of free ice rental for games each year. Landlord reserves the right to exclusively operate the concessions out of the existing concession facility during all games.

5.2 Landlord will provide up to 200 hours of free practice ice time for Tenant each year during non-prime hours as defined in 5.3.

5.3 For the purchase of additional ice rental beyond 5.1 and 5.2, Landlord will offer the following ice rental rates to Tenant:

October 1st through March 31st

- Prime time Full rate (5pm-12am Monday through Friday, 8:00am-10pm Saturday's and Sunday's)
- Non-prime \$35 off (6am-5pm Monday through Friday, 6am-8:00am and 10pm-12am Saturday's and Sunday's)

April 1st through September 31st

- Prime time Full rate (5pm-12am Monday through Thursday and Sunday 3pm-12am)
- Non-prime \$35 off (6am-5pm Monday through Thursday, All day Friday and Saturday, Sunday 6am-3pm)

These rates will adjust with Richfield Ice Arena's yearly increase of prime and non-prime ice rates. Landlord will not increase the prime and non-prime ice rates more than \$5 per year.

5.4 The Landlord will hold sole concession rights in the lobby concession stand

- 5.5 The Tenant will hold sole alcohol rights in Rink One during Magician games in accordance with State Statutes. Tennant will hold sole concession rights, for up to but not exceeding four menu items, that are serviced in Rink One during Magician games.

ARTICLE VI.

Utilities and Maintenance Expense

6.1. Tenant shall pay its pro rata share of all charges for electricity, light, air conditioning and power with the rented premises and the charges thereof shall be deemed additional rent. Because the Rented premises are not metered separately, the prorated share shall be \$1,600 per year, subject to a 2% increase per year beginning January 1, 2015 and payable in two annual payments on August 1 and February 1. .

ARTICLE VII.

Repairs, Cleaning, Maintenance and Alterations

7.1 Tenant shall perform regular cleaning duties to the Rented Premises. Tenant, during the Term and at Tenant's expense, will keep the Rented Premises and appurtenances and every part thereof in good order, condition, cleanliness, and repair, including, without limitation, the maintenance, repair, and replacement, if necessary, of all interior walls, partitions, doors, and windows, including the regular painting thereof. Tenant shall promptly notify Landlord of any necessary maintenance, repairs, or replacements. Landlord will arrange repairs that are covered under construction warranty of the Rented Premises. When used in this provision, the term repairs' shall include replacements or renewals when necessary, and all such repairs made by the Tenant shall be equal in quality and class to the original work. If Tenant does not keep and maintain the Rented Premises as herein provided, Landlord may, but need not, make such repairs and replacements, and Tenant shall pay Landlord, as Additional Rent, the cost thereof forthwith, plus interest at the rate of 10% per annum from the date of making such expenditure by Landlord, upon being billed for the same. All damage or injury to the Rented Premises and to its fixtures, appurtenances, and equipment caused by Tenant moving property in or out of the Rented Premises or by installation, removal of furniture, fixtures, equipment, or other property by Tenant, its agents, contractors, servants, or employees, or resulting from any other cause of any other kind or nature whatsoever due to carelessness, omission, neglect, improper conduct, or other causes of Tenant, its servants, employees, agents, visitors, or licensees, shall be repaired, restored, or replaced promptly by Tenant at its sole cost and expense to the satisfaction of Landlord. If Tenant fails to make such repairs, restorations, or replacements, the same may be made by Landlord and the same shall be at the expense of Tenant and collectible as Additional Rent or otherwise, and shall be paid by Tenant to Landlord within five (5) days after rendition of a bill or statement therefor.

7.2 A list of initial improvements by Tenant includes lockers, stalls, mounted television and goal horn. Except as otherwise provided herein, no additional improvements, alterations, or replacements shall be made to the Rented Premises or any portion thereof without the prior written consent of Landlord. Such written consent will indicate the owner of such improvements, alterations and replacements if removed from the rented premises or building after termination of the rental agreement.

7.3 Notwithstanding any other provision contained herein to the contrary, Landlord shall repair, at its expense, the structural portions of the Building; provided, however, where structural repairs are required to be made by reason of the acts of Tenant, the costs thereof shall be borne by Tenant and payable by Tenant to Landlord upon demand.

7.4 Landlord covenants to Tenant that it will continue to reasonably provide for the removal of snow from the parking lot and sidewalks and for the maintenance and repair work on the building exterior all for the benefit of users of the building, including Tenant.

ARTICLE VIII.

Insurance

8.1 Landlord shall at all times during the Term keep the Building insured against loss or damage by fire and against those perils included from time to time in the standard form of extended coverage insurance endorsement, including but without limiting the generality of the foregoing, wind storm, hail, explosion, vandalism, riot and civil commotion, damage from vehicles, and smoke damage, and such other coverage as may be deemed necessary by Landlord.

8.2 Tenant shall insure the contents of the Rented Premises owned by Tenant, for the benefit of Tenant, against loss or damage by fire, windstorm, or other casualty for such amount as Tenant may desire.

8.3 Mutual Waiver of Subrogation. Landlord and Lessee hereby waive any and all rights of recovery against each other for any loss or damage to the Rented Premises and/or the Building or the contents contained therein on account of fire or other casualty or for injuries sustained on the Rented Premises and/or the Building, provided such loss or damage is insured under a policy carried by Lessor or Lessee at the time of such loss or damage. The aforesaid policies of insurance shall contain appropriate provisions recognizing this mutual release and waiving all rights of subrogation on behalf of the respective insurance carriers.

8.4. Tenant shall also, as Additional Rent hereunder and at Tenant's sole cost and expense, but for the mutual benefit of Landlord and Tenant, as named insureds, maintain during the Term (a) general public liability insurance against claims for personal injury, death, or property damage occurring upon, in, or about the Rented Premises, and on, in, or about the adjoining lands, such insurance to afford protection to the limit of not less than Five Hundred Thousand and no/100 Dollars (\$500,000.00) in respect to injury or death to a single person, and to the limit of not less than one Million and no/100 Dollars (\$1,000,000.00) in respect to any one (1) accident and to the limit of not less than Three Hundred Thousand and no/100 Dollars (\$300,000.00) in respect to any property damage; and (b) steam boiler insurance on all steam boilers, pressure boilers, or other such apparatus as Landlord may deem necessary to be covered by such insurance and in such amount or amounts as Landlord may from time to time reasonably require.

8.5 All policies of insurance required to be maintained by Tenant shall be written in companies satisfactory to Landlord, and shall be written in such form and shall be distributed in such companies as shall be reasonably acceptable to Landlord. Such policies shall be delivered to Landlord endorsed "premium paid" by the company or agency issuing the same or accompanied by another evidence satisfactory to Landlord that the premiums thereon have been paid, not less than (10) days prior to the expiration of any then current policy.

ARTICLE IX.

Quiet Enjoyment

9.1 Landlord represents and warrants that it is the lawful owner of the Rented Premises; that it has the full right and power to make the Rental Agreement; that if and so long as Tenant shall not be in default hereunder, Tenant shall quietly hold, occupy, and enjoy the Rented Premises during all of the Term.

ARTICLE X.
Destruction By Fire

10.1 If the Building or any portion thereof is damaged or destroyed by fire or other casualty, however or by whomever caused, Landlord shall repair, rebuild, and restore the same with due diligence and dispatch (subject to the approval of the holders of any mortgages on the Building) so that the Building will be restored to at least the same good order and condition as existed prior to damage or destruction. If more than twenty five percent (25%) of the Rented Premises is damaged or destroyed by fire or other casualty, Landlord shall have the option, in its sole discretion, to decline to rebuild. If Landlord so declines, this Rental Agreement shall terminate as of the date of such damage or destruction. If Landlord elects to repair the Building, and if such damage in the reasonable opinion of the Landlord renders the entire Rented Premises unfit for Tenant's normal business purposes, and Tenant by reason thereof discontinues business in the Rented Premises, Base Rent and Additional Rent shall be abated for a period during which no part of the Rented Premises is fit for such business purposes and during which time Tenant discontinues business. If such damage renders only part of the Rented Premises unfit for Tenant's normal business purposes, Base Rent shall be apportioned on a square foot of Rented Premises area basis and the proportion thereof applicable to each part of the Rented Premises upon which Tenant discontinues its business operations shall be abated for the period during which such part is not fit for Tenant's normal business purposes and during which Tenant discontinues such business operations.

10.2 Tenant will repair and replace all improvements and betterments placed upon the Rented Premises by it, and such repair and replacement shall be made at its own expense and not at the expense of Landlord.

ARTICLE XI.
Assignment and Subletting

11.1 Tenant shall not assign or sublease any of its rights under the Rental Agreement of any part of the Rented Premises without prior written consent from Landlord, which consent shall not be unreasonably withheld by Landlord. No such assignment or subleasing shall in any event relieve Tenant from any of its obligations contained in the Rental Agreement, nor shall any assignment or transfer of the Rental Agreement be effective unless the assignee or transferee shall, at the time of such assignment or transfer, assume in writing all the terms, covenants, and conditions of the Rental Agreement to be performed thereafter by Tenant and shall agree in writing to be bound thereby. Tenant agrees to pay on behalf of Landlord any and all costs of Landlord, including reasonable attorneys' fees occasioned by such assignment or transfer.

ARTICLE XII.
Defaults of Tenant

12.1 If during the Term Tenant shall default in fulfilling any of the covenants of the Rental Agreement (other than the covenants for the payment of Base Rent or Additional Rent), Landlord shall give Tenant notice of any default or of the happening of any contingency referred to in this paragraph, and if at the expiration of twenty (20) days after the service of such notice the default or contingency upon which said notice was based shall continue to exist, or in the case of a default or contingency which cannot with due diligence be cured within a period of twenty (20) days, if Tenant fails to proceed promptly after the service of such notice and with all due diligence to cure the same and thereafter to prosecute the curing of such default with all due diligence, Landlord, at its option, may terminate the Rental Agreement, and upon such termination, Tenant will quit and surrender the Rented Premises to Landlord, but Tenant shall remain liable as hereinafter provided.

12.2 If Tenant shall default in the payment of the Base Rent or Additional Rent expressly reserved hereunder, or any part of the same, and such default shall continue for ten (10) days after notice thereof by Landlord, or if the Rental Agreement shall expire as provided in Paragraph 12.1 of this Article, Landlord or Landlord's agents and servants may immediately or at any time thereafter re-enter the Rented Premises and remove all persons and any or all property therefrom, either by summary dispossession proceedings or by any suitable action or proceedings at law or by force or otherwise and repossess and enjoy said Rented Premises, together with all additions, alterations and improvements, without reentry and repossession working forfeiture or waiver of the rents to be paid and the covenants to be performed by Tenant during the Term hereof. Upon the expiration of the Term of the Rental Agreement by reason of any of the events described in Paragraph 12.1, or in the event of termination of the Rental Agreement by summary dispossession proceedings or under any provision of law now or hereafter in force by reason of or based upon or arising out of a default under or a breach of the Rental Agreement on the part of Tenant (except where such breach or default is determined by a court of competent jurisdiction to be justified because of Landlord's acts or omissions), or upon Landlord recovering possession of the Rented Premises in the manner or in any of the circumstances whatsoever, whether with or without legal proceedings, by reason of or based upon or arising out of a default under or a breach of the Rental Agreement on the part of Tenant, Landlord may, at its option, at any time and from time to time, relet the Rented Premises, or any part thereof, for the account of Tenant or otherwise, and receive and collect the rents therefor, applying the same first to the payment of such expenses as Landlord may have incurred in recovering possession of the Rented Premises, including legal expenses and attorneys, fees, and for putting the same into good order or condition or preparing or altering the same for re-rental and all other expenses, commissions, and charges paid, assumed, or incurred by Landlord in reletting the Rented Premises and then to the fulfillment of the covenants of Tenant hereunder. Any such reletting herein provided for may be for the remainder of the Term of the Rental Agreement as originally granted or for a longer or shorter period. In any such case or whether or not the Rented Premises, or any part thereof, is relet, Tenant shall pay to Landlord the Base Rent and the Additional Rent required to be paid by Tenant up to the time of such termination of the Rental Agreement, as the case may be, and thereafter, Tenant covenants and agrees, if required by Landlord, to pay to Landlord until the end of the Term of the Rental Agreement the equivalent of the amount of all the Base Rent and Additional Rent reserved herein less the net proceeds of reletting, if any. Landlord shall have the election, in place and stead of holding Tenant so liable, forthwith to recover against Tenant, as damages for loss of the bargain and not as penalty, an aggregate sum which at the time of such termination of the Rental Agreement for such recovery of possession of the Rented Premises by Landlord, as the case may be, represents the then present worth of the excess, if any, of the aggregate of the Base Rent and Additional Rent payable by Tenant hereunder that would have accrued for the balance of the Term, over the aggregate rental value of the Rented Premises for the balance of such Term.

12.3 The specified remedies to which Landlord may resort under the terms of the Rental Agreement are cumulative and are not intended to be exclusive of any other remedies or means of redress to which Landlord may be lawfully entitled in case of any breach or threatened breach by Tenant of any provision of the Rental Agreement. The failure of Landlord to insist in any one or more cases upon the strict performance of any of the covenants of the Rental Agreement or to exercise any option herein contained shall not be construed as a waiver or a relinquishment for the future of such covenant or option. A receipt by Landlord of Base Rent or Additional Rent, with knowledge of breach of any covenant hereof (other than the payment of Base Rent or Additional Rent) shall not be deemed a waiver of such breach, and no waiver by Landlord of any provision of this Rental Agreement shall be deemed to have been made unless expressed in writing and signed by Landlord. In addition to other remedies provided in this Rental Agreement, Landlord

shall be entitled to the restraint by injunction for the violation or attempted or threatened violation of the covenants, conditions, or provisions of the Rental Agreement.

ARTICLE XIII.
Attorneys' Fees

13.1 If it is necessary for Landlord to retain the services of an attorney at law to enforce any of the terms, covenants, or provisions hereof, or to collect any sums due hereunder, Tenant shall pay to Landlord upon demand, as Additional Rent hereunder, the reasonable cost of such services.

ARTICLE XV.
Condition of Rented Premises at Termination

15.1 At the termination of the Rental Agreement by lapse of time or otherwise, Tenant shall return the Rented Premises in as good a condition as when Tenant took possession, excepting only ordinary wear and tear, damage, or destruction as described in Article 10 herein.

ARTICLE XVI.
Holding Over

16.1 In the absence of any written agreement to the contrary, if Tenant should continue to occupy the Rented Premises following the expiration of the Term of the Rental Agreement, Tenant shall so remain as a tenant from month to month and all provisions of the Rental Agreement applicable to such tenancy shall remain in full force and effect. During such tenancy, the same Base Rent and the same terms and conditions as prevailed during the last month of the Term demised shall prevail. In any such event, Tenant shall be liable to Landlord for damages which Landlord may incur as a result of such holding over, including but not limited to damages incurred because of loss of a prospective successor tenant. If Tenant is a holdover tenant and if Tenant continues to ' occupy the Rented Premises following the termination of such holdover (by a proper notice as to such month to month tenancy), then the foregoing provisions of this Article shall apply in the same manner as when Tenant continued in occupancy following the expiration of the Term of the Rental Agreement.

ARTICLE XVII.
Use of Rented Premises

17.1 The Rented Premises shall be used only for the operation of the Minnesota Junior Hockey Group d.b.a. Minnesota Magicians and affiliated Exceed Hockey, Inc. Tenant shall not use or occupy the Rented Premises or knowingly permit the Rented Premises to be used or occupied contrary to any statute, rule, order, ordinance, requirement, or regulation applicable thereto or in any manner which would violate any certificate of occupancy affecting the same, or which would cause structural injury to the Rented Premises or cause the value or usefulness of the Rented Premises or any part thereof to substantially diminish (reasonable wear and tear excepted) or which would constitute a public or private nuisance or waste. Tenant shall promptly upon discovery of any such use, take all necessary steps to compel the discontinuance of such use.

ARTICLE XVIII.
Permits

18.1 Tenant shall maintain in force and effect all permits, licenses, and similar authorizations to use the Rented Premises for the aforesaid purposes required by any governmental authority having jurisdiction over the use thereof. Tenant's failure to maintain such permits, licenses, and similar authorizations shall not relieve Tenant from the performance of its obligations and covenants hereunder (except obligations and covenants as may be prohibited by

law), nor from the obligations to pay Base Rent or Additional Rent, as set forth herein. Tenant shall, at Landlord's request, in its capacity as Tenant, and not in its capacity as owner of the land underlying the Building, join with Landlord in executing, acknowledging, and delivering any and all petitions, consents, subordinations, plats, or easement deeds that may be required for the installation of any utilities, public improvements, roads, water lines, sewer lines, storm drainage facilities, subdivision, rezoning, special use, platting, or other similar development of the Rented Premises, which do not affect Tenant's use of the Rented Premises during the Term of the Rental Agreement.

ARTICLE XIX.

Compliance with Law

19.1 Tenant, at its sole expense, shall promptly comply with all laws, ordinances, and requirements of federal, state, county, and municipal authorities relating to Tenant's use and occupation of the Rented Premises, and with any lawful order or direction of any public officer relating to Tenant's use and occupation of the Rented Premises during the Term of the Rental Agreement. Nothing herein contained, however, shall prohibit Tenant from appealing from or contesting the validity or legality of such laws, ordinances, requirements, orders, or directions and, notwithstanding the foregoing provisions of this Article, Tenant shall not be deemed to be in default hereunder so long as Tenant diligently prosecutes such appeal or contest.

ARTICLE XX.

Lessor's Access to Premises

20.1 Tenant shall permit Landlord and the authorized representatives of Landlord to enter the Rented Premises at all times during usual business hours for the purpose of inspecting the same and making any necessary repairs to comply with any laws, ordinances rules, regulations, or requirements of any public authority. Nothing herein shall imply any duty upon the part of Landlord to do any such work which, under any provision of the Rental Agreement, Tenant may be required to perform, and the performance thereof by Landlord shall not constitute a waiver of Tenant's default in failing to perform the same. Landlord may, during the progress of any work in the Rented Premises, reasonably keep and store upon the Rented Premises all necessary materials, tools, and equipment. Landlord shall not in any event be liable for inconvenience, annoyance, disturbance, loss of business, or other damage to Tenant by reason of making repairs or the performance of any work in the Rented Premises, or on account of bringing materials, supplies, and equipment onto or through the Rented Premises during the course thereof, and the obligations of Tenant under the Rental Agreement shall not hereby be affected in any manner whatsoever. Landlord shall, however, in connection with the doing of any such work cause as little inconvenience, annoyance, disturbance, loss of business, or other damage to Tenant as may reasonably be possible in the circumstances.

ARTICLE XXI.

Indemnity

21.1 Tenant shall indemnify and save harmless Landlord against and from any and all claims by or on behalf of any person or persons, firm or firms, corporation or corporations, arising from the conduct or management of or from any work or thing whatsoever done by Tenant, or any of its agents, contractors, employees, or licensees in, on or about the Rented Premises, and will further indemnify and save Landlord harmless against and from any and all claims arising during the Term of the Rental Agreement from any condition of the Rented Premises arising from any breach or default on the part of Tenant in the performance of any covenant or agreement on the part of Tenant to be performed, pursuant to the terms of the Rental Agreement, or arising from any act of negligence of Tenant, or any of its agents, contractors, employees, or licensees, or arising

from any accident, injury, or damage whatsoever caused to any person, firm, or corporation occurring during the Term of the Rental Agreement, in the Rented Premises, and from and against all costs, reasonable attorneys, fees, expenses, and liabilities incurred in or about any such claim or action or proceeding brought thereon; and in case any action or proceeding is brought against Landlord by reason of any such claim, Tenant, upon notice from Landlord, shall resist or defend such action or proceeding by counsel reasonably satisfactory to Landlord. However, nothing in this Rental Agreement shall require the Tenant to indemnify and save harmless Landlord from any claim caused by or occasioned by actions of the Landlord, its agents, contractors, employees or licensees.

ARTICLE XXII.
Estoppel Certificate

22.1 Tenant shall, at any time and from time to time, upon not less than twenty (20) days' prior notice by Landlord, execute, acknowledge, and deliver to Landlord a statement in writing certifying that the Rental Agreement is unmodified and in full force and effect (or if there shall have been modifications that the Rental Agreement is in full force and effect as modified and stating the modifications) and the dates to which the Base Rent and Additional Rent have been paid in advance, if any, and stating whether or not (to the best knowledge of Tenant) Landlord is in default in the performance of any covenant, agreement, or condition contained in the Rental Agreement and, if so, specifying each such default of which Tenant may have knowledge, it being intended that any such statement delivered pursuant to this Article shall be in a form approved by and may be relied upon by any prospective assignee of Landlord's interest in the Rental Agreement or any mortgagee of the Rented Premises or any assignee of any mortgage upon the Rented Premises.

ARTICLE XXIII.
Subordination

23.1 The Rental Agreement shall, at Landlord's election, be subject and subordinate to the terms and conditions of all mortgages which may now or hereafter encumber the Rented Premises and to all renewals, modifications, consolidations, replacements, and extensions of such mortgages. In confirmation of such subordination, Tenant shall promptly execute any certificate of subordination or other such documents which Landlord or its mortgagees may request.

ARTICLE XXIV.
Landlord's Use of Rented Premises

24.1 Tenant shall grant Landlord the use of the Rented premises to accommodate skate related events for up to 11 days per year.

ARTICLE XXV.
Entire agreement

25.1 The Rental Agreement contains the entire agreement between the parties, and there are no other terms, obligations, covenants, representations, statements, or conditions, oral or otherwise, of any kind whatsoever. Any agreement hereafter made shall be ineffective to change, modify, discharge, or effect an abandonment of the Rental Agreement in whole or in part unless such agreement is in writing and signed by the party against whom enforcement of the change, modification, discharge, or abandonment is sought.

**ARTICLE XXVI.
Release of Lessor**

26.1 If Landlord sells or otherwise transfers all of its interest in the Rented Premises, Landlord shall, without further action by any party, be released and discharged from any further obligation or duty under the Rental Agreement, and no claim or demand upon Landlord shall thereafter be made by Tenant arising out of any such prospective obligation or duty of Landlord hereunder. Upon request by Landlord, Tenant shall execute an attornment agreement with Landlord's transferee in form satisfactory to such transferee.

**ARTICLE XXVII.
Severability**

27.1 If any term, condition, or provision of the Rental Agreement or the application thereof to any person or circumstance shall, to any extent, be held to be invalid or unenforceable, the remainder thereof and the application of such terms, provisions, and conditions to persons or circumstances other than those as to whom it shall be held invalid or unenforceable shall not be affected thereby, and the Rental Agreement and all the terms, provisions, and conditions hereof shall, in all other respects, continue to be effective and to be complied with to the full extent permitted by law.

**ARTICLE XXVIII.
Short Form Rental Agreement**

28.1 At the request of either party hereto, a short form Rental Agreement shall be prepared in form and substance reasonably satisfactory to each of the parties and shall be executed by each of the parties in duplicate, such Rental Agreement to be filed for record in Hennepin County, Minnesota.

**ARTICLE XXIX.
Notices**

29.1 Any notice or election herein requested or permitted to be given or served by either party hereto upon the other, shall be deemed given or served in accordance with the provisions of the Rental Agreement if delivered to either party hereto and receipt is obtained therefor, or if mailed in a sealed wrapper by United states registered or certified mail, postage prepaid, properly addressed to such other party at the address hereinafter specified. Unless and until changed by notice as herein provided, notices and communications shall be addressed as follows:

If to Landlord: City of Richfield, 6700 Portland Avenue, Richfield, MN 55423
If to Tenant: Minnesota Magicians, 640 East 66th Street, Richfield, MN 55423

Each such mailed notice or communication shall be deemed to have been given to, or served upon the party to which addressed, on the date the same is deposited in the United states registered or certified mail, postage prepaid, properly addressed in the manner above provided. Each such delivered notice or communication shall be deemed to have been given to, or served upon, the party to whom delivered, upon delivery thereof in the manner above provided. Either party may change the address to which mailed notice is to be sent to it by giving to the other party hereto not less than thirty (30) days, advance written notice thereof. All payments of Base Rent or Additional Rent hereunder shall be made to Landlord at the address above designated, or as may be hereafter designated.

ARTICLE XXX.

Headings

30.1 The headings incorporated in the Rental Agreement are for convenience in reference only and are not a part of the Rental Agreement and do not in any way limit or add to the terms and provisions hereof.

ARTICLE XXXI.

Binding Effect

31.1 All of the covenants, conditions, and agreements herein contained shall extend to, be binding upon and inure to the benefit of the parties hereto and their respective heirs, successors, and assigns.

ARTICLE XXXII.

Advertising Rights

32.1 Tenant will hold sole advertising rights in Rink 1 and Rink 2 that includes dasher boards, player benches, seating sections, nets, Zamboni, scoreboard, etc., and also includes Rink One bathrooms. Landlord will hold sole advertising rights in the Arena lobby.

IN WITNESS WHEREOF, the parties have executed this Rental Agreement the day and year first above written.

LESSOR/LANDLORD:

CITY OF RICHFIELD, a Minnesota municipal corporation

By: _____
Its Mayor, Debbie Goettel

And By: _____
Its City Manager, Steven Devich

LESSEE/TENANT:

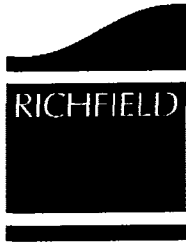
Minnesota Junior Hockey Group d.b.a. Minnesota Magicians and affiliated Exceed Hockey, Inc., a Minnesota corporation

By: _____

Its Owners

This instrument was drafted by:

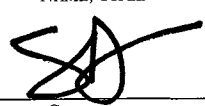
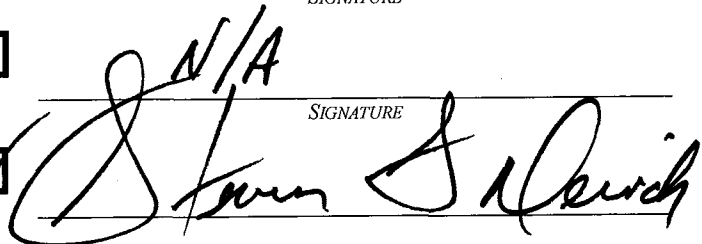
Kennedy & Graven, Chartered
470 U.S. Bank Plaza
200 South Sixth Street
Minneapolis, MN 55402
612-337-9300



STAFF REPORT

CITY COUNCIL MEETING

SEPTEMBER 9, 2014

REPORT PREPARED BY:	CHRIS REGIS, FINANCE MANAGER
DEPARTMENT DIRECTOR REVIEW:	<input checked="" type="checkbox"/> <div>NAME, TITLE  SIGNATURE</div>
OTHER DEPARTMENT REVIEW:	<input type="checkbox"/> <div>N/A SIGNATURE</div>
REVIEWED BY CITY MANAGER:	<input checked="" type="checkbox"/> 

ITEM FOR COUNCIL CONSIDERATION:

Consideration of the 2014 Revised/2015 Proposed Budget resolutions adopting the 2015 preliminary property tax levy, setting truth in taxation hearing date, authorizing budget revisions, and authorizing revision of 2014 budget of various departments.

I. RECOMMENDED ACTION:

By Motion: Adopt the attached resolutions establishing the 2015 preliminary property tax levy and proposed date for the Truth in Taxation hearing, authorizing budget revisions, and authorizing revision of 2014 budget of various departments.

II. EXECUTIVE SUMMARY

On September 3, 2014, a special City Council meeting was held for the purpose of presenting and discussing the 2014 Revised/2015 Proposed Budget and 2015 preliminary property tax levy.

Consequently, as a result of this meeting the City of Richfield's preliminary gross tax levy is currently set at \$18,288,524 which includes a levy for general fund operations of \$15,165,030, a debt service levy of \$2,117,378 a tax abatement levy of \$306,116, and an equipment and technology levy of \$700,000. The 2015 preliminary gross levy represents a 1.53% increase from the 2014 gross levy.

In addition, the City must certify its proposed property tax levy for payable year 2015 to the County Auditor and set a date for its Truth in Taxation public meeting on or before September 30, 2014.

The Truth in Taxation public meeting must be held between November 25 and December 29, 2014 and must occur at 6:00 p.m. or later. The City's Truth in Taxation public meeting is scheduled for December 2, 2014 at 6:00 p.m. at the City of Richfield Municipal Center.

III. BASIS OF RECOMMENDATION

A. BACKGROUND

- N/A

B. POLICY

- The City Charter establishes that at a special budget meeting of the Council on or before September 15, the City Manager must submit to the Council a proposed budget and a budget message in the form and containing the information specified in Section 7.06.
- Consequently, as required by the Truth in Taxation legislation (MS 275.065) each "taxing authority" must certify its proposed property tax levy for payable year 2015 to the County Auditor on or before September 30, 2014. "Taxing authority" includes all counties, all school districts, all cities regardless of population, all towns and all special taxing districts. No local units of government are exempted from this requirement.
- In addition, each "taxing authority" with a population of 500 or more, must certify to their County Auditor the date that has been selected for the Truth in Taxation public meeting by September 30, 2014. This Truth in Taxation public meeting must be held between November 25 and December 29, 2014 and must occur at 6:00 p.m. or later.

C. CRITICAL TIMING ISSUES

- Along with the 2014 Revised/2015 Proposed budget and preliminary property tax levy, City staff is also recommending a date for this year's Truth in Taxation public meeting. It is recommended that this year's meeting be set for 6:00 p.m. Tuesday, December 2, 2014. As Council Members are aware, at these public meetings, the tax levy may be reduced from the preliminary tax levy, but not increased.
- All official action concerning the preliminary tax levy and setting dates for the Truth in Taxation hearings must be concluded before September 30, 2014.

D. FINANCIAL

- The preliminary gross levy for taxes payable 2015 is \$18,288,524.
- The City's tax capacity rate will decrease from 64.459% in 2014 to 60.0838% in 2015.

- Included in the 2015 preliminary gross levy is a levy to fund the purchase of rolling stock and technology equipment of \$700,000. This levy is in place of the issuance of debt to fund these purchases.
- A final resolution for consideration authorizes the revision of the 2014 budget to conform to the most recent 2014 revenue and expenditure projections.

E. LEGAL

- N/A

F. ENVIRONMENTAL CONSIDERATIONS

- N/A

IV. ALTERNATIVE RECOMMENDATION(S)

- The City Council could adopt a lesser 2015 preliminary property tax levy or 2014 Revised/2015 Proposed budget or select other allowable Truth in Taxation hearing dates.

V. ATTACHMENTS

- Resolution Adopting a Proposed Budget and Tax Levy for the Year 2015
- Resolution Authorizing Budget Revisions
- Resolution Authorizing Revision of 2014 Budget of Various Departments

VI. PRINCIPAL PARTIES EXPECTED AT MEETING

- N/A

**RESOLUTION NO.
RESOLUTION ADOPTING A PROPOSED BUDGET AND TAX LEVY
FOR THE YEAR 2015**

WHEREAS, the Minnesota Truth in Taxation law provides for a proposed tax levy to be certified to the County Auditor by September 30, 2014 and then recertified before December 29, 2014.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Richfield, Minnesota as follows:

1. The budget for the City of Richfield for the year 2014 is hereby approved and adopted with appropriations for each of the departments to be as follows:

General Fund

Legislative/Executive	\$ 835,630
Administrative Services	1,248,380
Public Safety	8,273,870
Fire Services	3,783,850
Community Development	1,359,800
Public Works	3,722,890
Recreation Services	1,755,870
Transfers Out	147,370
TOTAL GENERAL FUND	<u><u>\$21,127,660</u></u>

2. The estimated gross revenue of the City of Richfield from all sources, including general ad valorem tax levies as hereinafter set forth for the year 2015 which are more fully detailed in the City Manager's official copy of the 2015 budget, are hereby found and determined to be as follows:

TOTAL GENERAL FUND \$21,127,660

3. There is hereby levied upon all taxable property in the City of Richfield a direct ad valorem tax in the year 2014, payable in 2015 for the following purposes and in the following amounts:

<u>PURPOSE</u>	<u>AMOUNT</u>
General Fund ¹	\$15,165,030 ²
Equipment	700,000
Debt Service	2,117,378
Cedar Point Tax Abatement	306,116

¹ Provision has been made in the General Fund for the payment of the City's contributory share to Public Employees' Retirement Association.

² General Fund Levy includes all fiscal disparities distribution amounts.

4. The budget for the Housing and Redevelopment Authority of Richfield for the year 2015 is hereby ratified and approved. There is hereby levied upon all taxable property in the City of Richfield a direct ad valorem tax in the year 2014, payable in 2015 for the following purposes:

<u>PURPOSE</u>	<u>AMOUNT</u>
Housing and Redevelopment Authority	\$468,296

5. A certified copy of this resolution shall be transmitted to the County Auditor.
6. The Truth in Taxation public meeting shall be set for 6:00 p.m. December 2, 2014.

Adopted by the City Council of the City of Richfield, Minnesota this 9th day of September 2014.

Debbie Goettel, Mayor

ATTEST:

Nancy Gibbs, City Clerk

RESOLUTION NO.
RESOLUTION AUTHORIZING BUDGET REVISIONS

WHEREAS, the City Charter and Minnesota Statutes provide for a process for adopting an annual budget and tax levy; and

WHEREAS, the City Charter provides certain authority for the City Manager and/or City Council to revise the annual budget; and

WHEREAS, it would be beneficial to restate such authority with the adoption of the budget.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Richfield, Minnesota as follows:

1. The City Manager may increase the budget by City Council action provided that unbudgeted receipts will be available to equal or exceed the increased expenditures.
2. The City Manager may authorize transfers between divisions within a department providing the transfers do not increase or decrease the department or total budget.
3. The City Manager may transfer budgeted amounts between departments only with the approval of the City Council.

Adopted by the City Council of the City of Richfield, Minnesota this 9th day of September, 2014.

Debbie Goettel, Mayor

ATTEST:

Nancy Gibbs, City Clerk

RESOLUTION NO.

RESOLUTION AUTHORIZING REVISION OF 2014 BUDGET OF VARIOUS DEPARTMENTS

WHEREAS, Resolution No. 10873 appropriated funds for personal services, other expenses and capital outlays for each department of the City for the year of 2014; and

WHEREAS, The City Charter, Chapter 7, Section 7.09, gives the Council authority to transfer unencumbered appropriation balances from one department to another within the same fund at the request of the City Manager; and

WHEREAS, The City Manager has requested a revision of the 2014 budget appropriations in accordance with Charter provisions and as detailed in the Proposed 2015 budget document.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Richfield, Minnesota as follows:

1. That the 2014 appropriations for each department of the General Fund be amended to establish the following totals:

<u>General Fund</u>	
Legislative/Executive	\$ 818,010
Administrative Services	1,229,430
Public Safety	7,992,850
Fire Services	3,707,260
Community Development	1,303,140
Public Works	3,629,090
Recreation Services	1,701,100
Transfer Out	147,370
TOTAL GENERAL FUND	<u>\$20,528,250</u>
DECREASE	<u>\$ 445,080</u>

2. Estimated 2014 gross revenue of the City of Richfield from all sources, as the same are more fully detailed in the City Manager's official copy of the proposed 2014 budget, are hereby revised as follows:

DECREASE	<u>\$445,080</u>
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3. That the City Manager and the Finance Manager bring into effect the provisions of this resolution.

Adopted by the City Council of the City of Richfield, Minnesota this 9th day of September 2014.

Debbie Goettel, Mayor

ATTEST:

Nancy Gibbs, City Clerk

CITY OF RICHFIELD, MINNESOTA
Office of City Manager

September 4, 2014

Council Memorandum No. 85

The Honorable Mayor
and
Members of the City Council

Subject: September 9, 2014 Special Meetings

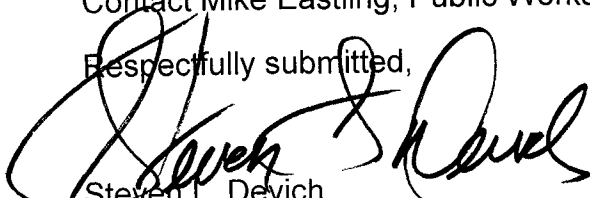
Council Members:

On Tuesday, September 9, 2014 there are multiple special meetings as outlined below.

1. **Special Meeting of the Richfield Bloomington Watershed Management Organization (RBWMO) – 6:00pm**
 - *RBWMO Performance Review* – The special meeting is a requirement of the performance review process the Board of Water and Soil Resources (BWSR) recently conducted for the RBWMO. BWSR staff will present the results of the draft Performance Review.
2. **Special City Council Worksession – 6:30pm**
 - *Water Supply Plan Overview* – Staff will be discussing topics of interest related to the Metropolitan Council's current efforts to update the Metropolitan Area Master Water Supply Plan. Staff members from both the Metropolitan Council and Department of Natural Resources will be in attendance at a September 23, 2014 Council Worksession.
3. **Special City Council Worksession – at the close of the Regular Meeting**
 - *66th Street Joint Transportation Commission Worksession Follow Up* – staff will present information requested by the City Council regarding the Minimal Impact Alternative for consideration on 66th Street between I-35W and Penn Avenue. Including crash analysis and property impacts. In addition, the right-of-way impacts based on the preferred concept east of I-35W will be presented.

Contact Mike Eastling, Public Works Director, at 612-861-9792 with questions.

Respectfully submitted,



Steven L. Devich
City Manager

SLD:kda
Email: Department Directors
Assistant City Manager